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Archbishop Tache.

*A. M. Bennis*  


— A PAGE OF THE —

# History of the Schools

In Manitoba

**DURING 75 YEARS.**



• 1893 •



# Archbishop Tache.

A Page of the History of the Schools in Manitoba during  
Seventy-five years.

BY HIS GRACE, THE ARCHBISHOP.

The Manitoba schools are the object of general attention throughout Canada, every day they are alluded to in some of the newspapers. Every political assembly of any importance is forced to consider this question and it is done in a way that betrays embarrassment or half-concealed hopes based on painful incertitude. On the one hand, love of the country and of Christian instruction of children gives hope for an advantageous solution; on the other hand, hatred of the church and religious indifference reject the most elementary notions of common right and respect for the convictions of others. At home people pray, hope and fear; while elsewhere it is triumphantly affirmed that all is finished, that there is no remedy to the evil, not even a wound to heal; that the minority in Manitoba must necessarily submit to the will of the majority and must renounce what they consider as a sure right and a sacred obligation.

I am of those who think that a question is solved, only when it is settled with justice and equity. I am not an admirer of subtle legal technicalities nor of skilful combinations, in the art of expedients; therefore, I am far from believing that the Manitoba school question is settled or that injustice is to put an end to it; that conviction is my reason for believing that the cause must again be studied, even in its minutest details, in order that those who wish to appreciate it may make a full examination into the subject.

To-day I gather some historical information concerning the different phases, through which the schools of the Red river have had to pass; not as to the detail of their action, but as to the mode of their existence.

This historical study covers three-quarters of a century, it goes back not only to the establishment of the first school on the banks of the Red river, but even to the generous thought that inspired such an establishment.

At the beginning of 1818 the jurisdiction of the Bishop of Quebec extended all over the Dominion of Canada; it is that prelate who sent towards the Northwest the first missionaries who took up their headquarters in St. Boniface. A month

before the departure of Messrs. Provencher and Dumonlin, Mgr. Plessis gave them a series of instructions, as remarkable by the largeness and elevation of the duties mentioned, as by the exactness and wisdom of the details.

In this document, dated 20th April, 1818, and kept in the archives of the Archbishopric of Quebec, we find the first prescriptions concerning the schools of Assiniboia and the Northwest. It is said:

6. "Missionaries will take a particular care of Christian education among children, and for this they will establish schools and catechisms in all the localities they may have occasion to visit."

Further we read:

"The missionaries will establish their home near Fort Douglas, on the Red river, will build there a church, a house, a school. For their support they will take the most advantageous way to utilize the lands that will be given to them."

The first order for establishing a school, in this country, came then from Quebec and from a Catholic bishop. All those who have the least notion of the history of Canada, know that Bishop Plessis was a glory to the country by the force of his genius as well as by the splendor of his virtues. It is also well known that his authority over those who were under his jurisdiction, greatly contributed in keeping Canada and the Northwest under the allegiance to Great Britain, at the time of the war with the United States.

What every one does not know is that the first schools of the Red river are due to the instructions, given by him to his priests and followed by these missionaries, notwithstanding great difficulties. Another fact, not universally known, is that on account of the services that Mgr. Plessis had rendered to the crown, he had gained the confidence of the authorities, who had recourse to him, in the direction of public affairs, and who seconded his zeal, in the accomplishment of his own duties; one may be easily convinced of this by the following letter given by the Governor-General to Mgr. Plessis, when the latter decided to send priests and establish missions and schools in the Red river settlement.

"His Excellency, Sir John Coope Sherbrooke, S. C. B., Captain General and Governor in Chief in and over the Provinces of Upper and Lower Canada and Commander of his Majesty's forces therein, &c.

"To all to whom these presents shall come:

"Whereas the Reverend Joseph Norbert Provencher, Severe-Joseph Nicolas Demoulin and Guillaume Etienne Edge have been appointed by the Most Reverend Catholic Bishop of Quebec to proceed as missionaries to the Red river and adjacent Indian territories, there to disseminate the Christian religion and to afford to the inhabitants the benefit of the rites thereof, now know ye that, being desirous of furthering so pious and useful a work and of offering the fullest protection and support in my power to the persons engaged in it, I do hereby call on all his Majesty's subjects, civil and military, and do request all other persons whomsoever to whom these presents shall come, not only to permit the said missionaries to pass without hindrance or molestation, but render them all good offices, assistance and protection wherever they shall find it necessary to go in the exercise of their holy calling.

"Given under my hand and the seal of arms at the castle of St. Lewis, in the city of Quebec, this twenty-ninth day of April, in the year of our Lord one thousand eight hundred and eighteen, and in the fifty-eighth year of his Majesty's reign.

"[Signed] J. C. SHEERBROOKE.

"By His Excellency's command.

"[Signed] ANDREW WM. COCHRAN,  
"Secretary."

Such a proof of respect and confidence from the immediate representative of His Majesty, the Sovereign of England, is easily understood, when one knows what is taught by the Catholic church; a teaching that Mgr. Plessis recalled to the mind of his missionaries in his instructions; the ninth clause reads as follows:—

"9. The missionaries will make known to the people the advantage they enjoy in remaining under the government of His British Majesty: will teach them by words and example, the respect and fidelity they should have for the sovereign; will accustom them to offer to God fervent prayers for the prosperity of his Most Gracious Majesty, of His August family and His empire."

It is evident that the establishment of schools in this country was decided upon at a time when the best understanding existed between civil and religious authorities, by men who knew that the church and the state have the right of moving freely in their respective spheres, and who desired to render the people happy, not only in the material order, but also in the legitimate aspirations of the soul and heart.

A search in the history of the different phases through which our school question has passed shows that the most important are five in number.

The first of these phases is the establishment of the schools of Assiniboia and their maintenance, under the regime of the Honorable Hudson's Bay company.

The second is that of the difficulties and negotiations which terminated by the creation of the province of Manitoba and the transfer of the country to the Dominion of Canada.

The third phase was when the legislative authorities of Manitoba passed laws to establish and maintain schools, in harmony with the religious convictions of the two sections of the population.

The fourth was marked by the establishment of a new school system, that may favor the majority but violates the religious convictions of the minority.

The fifth phase is the one of the three last years, in which those who are injured ask for a remedy for their troubles and for the injustice of which they are victims.

I will briefly examine some of the most remarkable facts in the history of those five different evolutions in order to prove the five following conclusions:

1. Previous to the union of the Northwest with Canada different classes of persons enjoyed there by practice certain rights and privileges in matter of education, and the civil authorities acknowledged such rights and privileges by helping denominational schools.

2. At the union the said rights and privileges were recognized by the Federal authorities who, in order to safeguard them, added to and amplified in the Manitoba Act the protection granted by the British North America Act to the minorities of the Provinces of the Dominion.

3. The Legislature of Manitoba, aware of the past practice and guided by the constitution of the new province, explicitly placed under the protection of the law denominational schools as existing in the country, before its union with Canada, or to be established thereafter.

4. The change which took place in school laws in 1890, does away with the practice of Assiniboia; violates the pact or condition agreed to, when the colony became a province of the confederation; and destroyed the system of education established by the legislature of the province, after the union.

5. The minority of Manitoba has the right and the duty to seek a remedy against the injustice perpetrated; this remedy they ask from all those who have a voice in the council of the nation and it is with that view that they have addressed their petitions to the governor-general-in-council.

#### FIRST PHASE.

§1. The schools of Assiniboia, from their foundation until the cessation of the Honorable Hudson's Bay company:

This period covers a little more than fifty years, during which the cause of education may seem to have made slow progress, in the estimation of those who do not know what the country was at that time; but that progress cannot fail to surprise people acquainted with the difficulties that were experienced, in the beginning of the colony, and what delays these difficulties have caused in its development. To the prejudiced I can oppose the testimony of two eminent men who are well known and



desinterested. The Hon. James W. Taylor, later on American Consul for Winnipeg, visited the colony in 1859; the Right Hon. Sir Charles Tupper visited it in 1869; both often repeated to me that their greatest surprise, at the time of their visits, was to become convinced by themselves of the excellency of the education, given in our establishments at such a remote period.

At that time the schools were all denominational. The religious bodies established them, the parents helped to their maintenance, in no case were they hindered in the liberty of causing their children to profit by such schools, and in no way were they prevented from helping those schools by the obligation of assisting other institutions, to which they could not or would not send their children. True, our schools did not exist by law. On the other hand the civil authorities or the state never thought of lessening the action of the schools because they were denominational, but favored and helped them as such. It is to prove this assertion that I will examine the conduct of the three powers, which exercised their authority in the Red River during this period.

#### 1. Lord Selkirk helped the schools.

We have seen that Mgr. Plessis prescribed the construction of the first school, on the banks of the Red river. It is with this same prelate that Lord Selkirk negotiated the permanent establishment of Catholic missionaries, in his new colony. As far back as the year 1816, in a letter dated the 4th of April, the founder of Assiniboia wrote as follows to the Catholic bishop of Quebec:

"I am convinced that a zealous and intelligent ecclesiastic would do incalculable good; if your lordship chooses a subject qualified for the work, I do not hesitate in assuring him my consideration and offering all the help that your lordship may judge necessary."

This plan could not be realized in 1816. In 1817 Lord Selkirk visited the colony. The deplorable events of the preceding year; the fears and regrets of the immigrants did not shake his hopes of the success of the enterprise he pursued with so much affection. On the other hand, the past misfortunes made him understand more fully the necessity of furnishing his colony with the religious influences, which alone could assure the success and stability of the enterprise. To the Protestants he designated the place where, later on, they would build their church and school. He did the same for the Catholics; stating to them that he had already entered into communication with the Bishop of Quebec, and advising them to make a petition, which he would himself endorse and send to the venerable prelate. The petition was signed and Lord Selkirk, when sending it, insisted that it might not be fruitless. These requests were favorably answered, and the departure of missionaries announced for

the month of May, 1818. Mgr. Plessis chose Messrs. Provencher and Dumoulin. The illustrious prelate gave them the instructions we have already spoken of. A copy was handed over to Lord Selkirk who gave his appreciation as follows, in a letter sent from Montreal and dated the 9th May:

"My lord, Mr. Provencher has shown me the instructions and documents given to him, they seem to contain all that could be desired."

Let it be well remembered that these instructions obliged the missionaries to build schools in different localities and directed them to have their home near Fort Douglas on the Red river, and there to build "a church, a house, a school."

After perusing these instructions, Lord Selkirk did not hesitate to say, "they seemed to contain all that could be desired." He then prepared the indentures, which he signed on the 18th of the same month, and by which he gave to Mgr. Plessis and co-trustees, two "tracts, pieces or parcels" of land; one covering an area of about twenty square miles and situated on the east side of Riviere la Seine; the other, which contains twenty-two acres or fifteen square chains, situated on the banks of the Red river, near Fort Douglas; the whole to help the work of the Catholic missionaries in Red river country. On the 19th of the same month of May, 1818, the two priests accompanied by Mr. William Edge, who was to help them in the instruction of children, started in a birch bark canoe, partly equipped at the expense of Lord Selkirk, and on the 16th July they arrived at Fort Douglas.

The missionaries immediately began a construction which, at first was to be a "church, a house and a school." They built it on the banks of the Red river, precisely on one of the parcels of land given by Lord Selkirk. Notwithstanding painful trials and the greatest difficulties these humble beginnings became gradually more and more important; they developed into the establishment of St. Boniface. After seventy-five years of existence in the midst of vicissitudes, but without interruption, it is on the same spot that one can see to-day the church which has become the Metropolitan church, the house which is now the archiepiscopal residence, the school which is now the college of St. Boniface and the Provencher academy, on the one side for the boys and the boarding school and Tache academy for the girls on the other. To-day the lands given by Lord Selkirk help to the maintenance of these establishments. The part taken by the civil authority, the State of those days, in the foundation of the first school at Red river is obvious.

Lord Selkirk was Scotch and Presbyterian; nevertheless he thought himself bound by duty and interest to act as he did. Being the founder of a colony containing Canadians and Catholics, he asked from a Canadian bishop that priests

should be sent to minister to the spiritual wants of the settlers and teach their children. He had enough practical sense to understand that, when one wishes for anything, he takes legitimate and efficacious means, and that the most certain way of assuring the success of his enterprise was to call to his help some missionaries, whose zeal and devotedness would be of great advantage. Lord Selkirk did not agitate the question of the union of the church and state; he did not accept nor repudiate that theory; he merely understood that the combined action of the religious and civil powers; that their good understanding would surely be favorable to the development of the country, as well as to the true prosperity and happiness of its inhabitants. The troubles which had taken place in the new colony, caused him to understand the necessity of the salutary restraints imposed by religion and its teaching. He easily understood that it costs less to favor the construction of churches and schools, and even to help the missionaries, than to levy and entertain a troop of constables. Lord Selkirk was a colonizer; he wanted immigrants; he knew that a sure way to keep those he had already, and to bring others was to facilitate the education of their children, without offending the religious scruples of their parents.

A fortnight before the death of the founder of the colony of Assiniboia, on the 22nd March, 1820, his agents wrote from Montreal to Mgr. Panet, in Quebec :

"On behalf of Lord Selkirk, we ask for the permission of offering you all the assistance we may give, for the journey of those gentlemen (a priest and a teacher), and we wish you to tell us when they will be ready and what they may need."

This favor was the last received by the missionaries from Lord Selkirk. He died on the 8th of April following.

## 2. ASSISTANCE GIVEN TO SCHOOLS BY THE HUDSON'S BAY COMPANY.

After the death of Lord Selkirk the Hudson's Bay company re-entered into possession of the lands they had ceded to him and took the management of the colony. That company had an understanding with the Church Missionary society and gave free passage to York Factory to a minister of the Church of England. Mr. West, accompanied by a teacher, Mr. Harbridge, came to the Red river in the autumn of 1820 and built on the land given by Lord Selkirk a log house, which was also used as church, dwelling and school, which has since been replaced by the cathedral, the bishop's court and the college of St. John. Soon after this the Hudson's Bay company and the Company of the Northwest put an end to their rivalry and made their interests one. Seeing this, Lady Selkirk, who had always shared the views and generosity of her worthy husband con-

cerning the Catholic mission of Red river, wrote to the Archbishop of Quebec on the 27th of July, 1821:

"MY LORD—I hope that the arrangement concluded lately by the Hudson's Bay company will not hurt the interests of the mission, but greatly facilitate them by improving the mode of trading with the Indians."

That wish of the noble lady was realized.

The Honorable Hudson's Bay company, sole master of the country, always favored the schools, Catholic or Protestant, and that in different ways, I will mention only three; the granting of lands, passage on their boats and subsidies in money.

### GRANTING OF LANDS..

It is with my personal knowledge that in the limit of the colony of Assiniboia nearly every Catholic school was built on lots given for that object by the Hudson's Bay company. Let it suffice to mention the schools of St. Vital and St. Norbert, on the Red river; and those of St. Boniface west, of St. Charles, of St. Francois Xavier and of Bay St. Paul, on the Assiniboine. I do not hesitate to say that the company did for the Protestants what it did for the Catholics. I have always thought that the schools of St. Paul, St. Andrew, St. James, Headingly and others were built on lots given by the company. It is perhaps well to remark that when the company gave some land for a school, it did not only give an acre or two but a complete lot.

### PASSAGE ON BOATS.

One of the greatest obstacles to the development of the colony of Assiniboia as to the instruction of children, consisted in the difficult of having teachers. At the beginning they could be had only from Canada, England, or France. Every one knows how the journeys were long, difficult and costly. The boats of the Hudson's Bay company were the only ones reaching the country and the facilities they offered were more precious, on account of their limited capacity. Without the good will of the company it was like an impossibility to enter its domains, and without its assistance many school teachers who, have fulfilled here their most important duties, could not have come; many of our schools could not have been opened. It was therefore a most real and precious help given by the company to the schools when it granted passages on its boats and that, most of the time, gratuitously, to teachers, either Protestant or Catholic. Gladly do I here offer to this honorable body the tribute of my gratitude. I am convinced that Protestant school authorities have entertained this same feeling, for they have received at least as much as we.

### SUBSIDIES IN MONEY.

Not content with giving land for the schools and transportation for the teachers, the company helped them by granting sums of money. Sir George Simpson,

governor of the company, knew what privations Mgr. Provencher imposed upon himself for the faithful under his care and the teaching of their children, so much so, that in a meeting of the factors of the company, at York Factory, on the 2nd July, 1825, he moved the following resolution, which I borrow from the minutes of that meeting:

"Great benefit being experienced from the benevolent and indefatigable exertions of the Catholic mission at Red river, in the welfare and the moral and religious instruction of its numerous followers; and, it being observed, with much satisfaction, that the influence of the mission under the direction of the Right Reverend Bishop of Juliopolis, has been uniformly directed to the best interest of the settlement and of the country at large, it is:

"Resolved, that, in order to mark our approbation of such a laudable and disinterested conduct, on the part of said missionaries, it be recommended to the honorable committee, that a sum of £50 per annum to be given towards its support."

That recommendation was accepted by the committee in London, and since then the sum of £50, which afterwards was doubled, was paid annually to the bishop of Red river. I may assure the reader that, instead of taking that money for himself, the bishop of St. Boniface employed it in good works, specially for the cause of education, which he sustained and developed amidst the greatest difficulties.

In this respect the Protestants, and consequently their schools were more favored than ours. Without being jealous, the Catholics could see that the company gave more to the Bishop of Rupert's Land than to the Bishop of St. Boniface. I have never tried, nor has it ever occurred to my mind to investigate what the Lords, Bishops of Rupert's Land have done with the money received from the company, but, to be just, I must say that their lordships have always shown themselves so zealous as to the success of the Protestant schools that undoubtedly they have been most willing to consecrate a great part of the Hudson's Bay company's grants to help the schools of their denomination.

From what I have just said it seems to me evident that I may state that the company, as a civil power has largely helped the schools of Assinibioia whether Catholic or Protestant.

### 3. THE COLONIAL COUNCIL:

The council of Assinibioia is the third power that exercised a civil jurisdiction in the limits of the colony.

Its revenues amounted to very little, their chief source being custom duties. Those customs duties were levied on the importations of the company as well as on those of the citizens.

The council, without passing regulations or laws, relative to schools, helped them nevertheless, both by exemption and donations.

### EXEMPTIONS.

We may see in the reports of the Council of Assinibioia that exemption of customs duties were made in favor of the schools on certain articles such as "books, maps, scientific instruments, etc., etc." In practice the exemptions granted to the missions, and the missionaries were extended to the schools and to the teachers of those schools.

### DONATIONS.

Notwithstanding the smallness of its resources, the council of Assinibioia sometimes gave money to the schools. In the minutes of the meeting of Oct. 16, 1850, we read:

"Adam Tom, Esq.—A motion for taking into consideration the propriety of granting public money for education."

And in the meeting of May 1, 1851, the following motion was made and carried:

"That one hundred pounds be granted from the public funds to be divided equally between the bishop of Rupert's Land and the bishop of the Northwest (St. Boniface), to be applied by them, at their discretion, for the purpose of education."

In the minutes of the 27th November, 1851, "a petition was read from the trustees of the Presbyterian church of Frog Plain, asking for a grant for education." It reads as follows:

"To the Governor and Council of Assinibioia:  
"The petition of trustees of the Presbyterian church of Frog Plain humbly sheweth:

"That a church has existed for two years on the glebe of said church; that the said school, as not being on the patronage of the Bishop of Rupert's Land, does not appear to have been contemplated in the grant of fifty pounds which you gave to His Lordship in April last for the purpose of education; that during the latter part of the interval, the said school has been placed under the auspices of a duly ordained minister; that in reliance on his active and enlightened superintendence, your petitioners and those whom they represent, hope to see the said school raised, in some measure to the level of parochial schools of Scotland.

"That, as the improvement of education, seems to be more requisite, at least among the Protestants of the settlement, than its mere extension, your petitioners pray that their minister may receive from the public fund a sum proportional to the fifty pounds, as aforesaid, granted to the Church of England without prejudice, however, to the recognized equality in the premises between the Protestants, as a whole, and the Roman Catholics.

"And your petitioners shall ever humbly pray.

..(Signed)

A. Ross.

"John Fraser and the other trustees of the Presbyterian community.

"Red River settlement, 25th Nov., 1851."

That petition had its effect, and on July 13, 1852, Dr. Bunn moved and Mr. Lafleche seconded this resolution:

"That fifteen pounds be granted to the Rev. John Black, of Frog plain, for the purpose of education, in accordance with the petition of the committee of his congregation.

"Carried unanimously."

On the 9th of December, 1852, "Mr. Lalleche moved and Dr. Bunn seconded,



that fifteen pounds be granted to the Bishop of St. Boniface for the purpose of education."

This resolution was carried against the opposition of the Bishop of Rupert's Land and two other councillors.

Therefore the council of Assiniboia recognized and helped the schools.

#### THE PROTESTANTS AS A WHOLE.

In the petition of the Presbyterians it can be remarked that while asking for money for the school of their denomination, they affirm that they ask this "without prejudice to the recognized equality in the premises between the Protestants as a whole and the Roman Catholics."

By this the Presbyterians affirm a fact well known in the colony of Assiniboia and considered by the government itself in official acts.

This is the reason why only two religious denominations are mentioned in the eight censuses, made before the transfer of the colony to Canada; the two are the Catholics and the Protestants, the latter comprising the Anglicans, Presbyterians, etc., etc.

From what preceds it is easy to establish what was the custom or "practice" in the colony of Assiniboia in relation to education "at the union," and what "rights" or "privileges" were enjoined, "with respect to denominational schools" by the "different classes of persons." In studying the history of our schools, during the first phase of their existence, it is impossible not to acknowledge the following facts:

1. At the very beginning of the colony, its founder was preoccupied with the necessity of establishing schools, and wants no other but "denominational schools" as they answered best the needs and aspirations of the different "classes of persons" in the population.

2. In continuing the work of Lord Selkirk the Honorable Hudson's Bay company had the same idea concerning education and understood the usefulness of harmonizing the different "classes of persons" by giving to each an equal right to schools, where their children would receive respectively instructions in conformity with the religious convictions of their parents.

3. In fact, during the half century we have reviewed all the schools of the Red river were "denominational schools."

4. During this period all contributions for education went to the support of "denominational schools."

5. No one was bound, either by law or "by practice," or otherwise, to contribute to the support of schools of a different denomination or which ignored the teaching of his own church.

6. The state or public power, understanding the utility of denominational schools, added to the "rights" possessed by all classes of persons, the "privilege" of an official acknowledgement of the

schools established by these same classes.

7. Every public power, in the Red river settlement, before its union with Canada, helped by grants of money and otherwise all denominational schools, established by the different classes of persons.

8. As to the distinction created by religious beliefs the custom, supported by official acts, recognized two "classes of persons," the Catholics and the Protestants as a whole. And from the beginning of the colony till its union with Canada, the Protestants, even as a whole, were always "the minority of the queen's or king's subjects."

#### II. SECOND PHASE.

The schools were not forgotten in the negotiations which brought a satisfactory solution to the Red River difficulties.

Schools existed for fifty years when, in 1868, the terrible plague of grasshoppers tried the country cruelly. This was not without precedent; as far as 1818, the colony had been afflicted by them to such an extent that a noticeable part of the population had been forced to take refuge in Pembina, where they could live by hunting. That migration to the American boundary caused the establishment of the second school house. Mr. Dumoulin followed the hunters and established, in favor of their children, a school attended by sixty pupils; Mr. Edge was the teacher.

In 1818 the destruction of crops was compensated by hunting. On the contrary in 1868, while myriads of locusts destroyed the crops of the Red River the buffaloes went so far that the hunters could not reach them and were obliged to return home, absolutely without provisions. The two most abundant sources of food were thus exhausted at the same time, and that without any sign allowing to get ready for the emergency: the country had then to endure the greatest famine it had ever experienced.

In 1818, the ravages of the locusts were the occasion of the opening of a second school; in 1868, the same plague had something to do with some of the incidents which brought about what I may call the second phase in the history of our schools. Without bread or meat the people became hungry; hunger is a bad adviser, so much so that the famine of 1868-9 was followed by the troubles of 1869-70. It is not my idea to write now the history of those troubles, but I must allude to them to show the new phase to which they have brought our schools. For this I will try to prove the three following points:

Mistrust was the principal cause of the Red River troubles.

The assurances given by Imperial and Federal authorities contributed to appease the difficulties.

Friendly negotiations, during which the schools were not forgotten, inspired and caused the acceptance of the "Manitoba Act," its guarantees bringing an advantageous solution.



# 1st. MISTRUST CAUSED THE RED RIVER TROUBLES.

A part of the population of Assiniboia and especially the French half-breeds, mistrusted Canada, so far as to refuse at first, the proposed union. Why this mistrust and fear? That which happens to-day is an answer to the question. The vexations now imposed on the Catholics of Manitoba and the Northwest had been foreseen, and suffice to show that the apprehensions then entertained were not mere fancy. What has happened after being united for twenty years with Canada, and notwithstanding guarantees given so solemnly, proves clearly that the anxieties experienced before the transfer were not without reason. In groups as well as in individuals, there is an instinct of preservation, inspiring a perspicacity which escapes the most judicious, when the latter do not run the same dangers. Let no one be surprised if I say that the injustice we have to suffer to-day was foreseen. I am in this country for the last forty-eight years, I can therefore speak with knowledge. I had been in the country for twelve years when in 1857, I had to spend the summer in United Canada, to superintend the printing of books in Indian languages; up to that time may be traced the beginning of my fears and anxieties.

I am a Canadian in the most intimate fibres of my being. For God alone, have I been able to break the exterior ties binding me to my native land. Far from the land of my birth, my heart was never separated from it, it was therefore with great enthusiasm that I received the news that some day perhaps, my adopted country would be united to my native one. My existence and my life had been given to the Northwest. From the beginning of my career in missionary work, a sacrifice, rewarded by God more fully than I could have expected, had put before me an impassable barrier. I could not return to Canada; what delicious emotions did I then experience, in thinking that Canada would come to us and render me my home. My imagination caressed these hopes with affection, when my duties called me in United Canada in 1857. What was not my surprise to notice the dispositions of one part of Canada against the other half of its population. It was at the time when the question of separate schools, the use of the French language and the rights of the church were so agitated. Those violent controversies caused my heart to bleed; having never known but to love and to have confidence I understood how hard it was to be the object of hatred and contempt. Having worked so hard to learn different Indian dialects, I felt bitterly the injustice of those who tried to take my maternal tongue away from my country; that language, which, of all the idioms of civilized people, was the first to be heard on the shores of our St. Lawrence and to

give its harmonious accents to the echoes of our great lakes. Having been so anxious to teach the children of the woods, I considered as odious the conduct of those who did not want the breaking of the bread of Christian education to the civilized children attending the schools. The pleasant illusion experienced in thinking of our union with Canada partly disappeared, because I foresaw for our population of the Northwest some dangers of which I had never thought. I returned to St. Boniface with uneasiness in my heart.

In 1858, I expressed my fear to Mr. Dawson when he wrote me for information on our missions. I answered him in a letter which was printed with his official report, and in which is the following phrase: "For myself I feel very much concerned in the midst of that agitation and of all that is done with regard to Red River. As you tell me, the country is opened, immigration is to come; it is undoubtedly a pleasant prospect . . . to see my adopted land soon to enjoy the advantage people intend to give it; nevertheless, in foreseeing what is to occur, I feel a sentiment of uneasiness. It seems apparent that in gaining much, we may also lose a great deal. I am afraid that our position will not be much improved."

The communications, while becoming more easy, did not diminish the fears and apprehensions, they served to generalize them. It is on seeing that state of the minds that I thought proper to write the following reflexion in 1868. It is on page 69 of my pamphlet called "Sketch of the North West of America."

"In the colony itself there is nervousness and uneasiness about the future. Some who hope to gain by any change are clamorous for one. A great number—the majority—dread that change. The country would certainly obtain many advantages which it now lacks; but the existing population would certainly be losers."

"As we love the people more than the land in which they live, as we prefer the well-being of the former to the splendor of the latter, we now repeat that, for our population, we very much dread some of the promised changes."

The fears became greater because the establishment of Confederation rendered more probable and nearer the absorption of the Northwest by the new Dominion. It is in the midst of this inquietude that our population was afflicted by the terrible plague of locusts, which was rendered more disastrous by the complete disappearance of buffaloes.

This moment was favorable for Canada; unfortunately, what was done at the time, instead of dispelling the fears and conciliating the spirits, served only to increase the uneasiness. Under the pretext of helping the people in their misery, men were sent from Ottawa to continue the road traced between Fort Garry and the Lake of the Woods. Should I mention it? These employes were so indiscreet (I abstain from using another word) as to increase the mistrusts so far as to ren

der odious the words Canada and Canadian.

While Ottawa employes were exciting the distrust of the people of Red River, two honorable members of the same government were in London negotiating the acquisition of the country. The negotiations were carried on to the satisfaction of the negotiators, but also to the great discontent of the settlers of Assiniboia, who were not even mentioned in the negotiations. A little later on, Lord Granville thought of that omission and of its dangers; this prompted him to write the following words to Sir John Young in a dispatch dated April 10, 1869:

"I am sure that the old inhabitants of the country will be treated with such forethought and consideration as may preserve them from the danger of the approaching change, and satisfy them of the friendly interest which their new governors feel in their welfare."

The report of the honorable Canadian Commissioners was placed before the federal parliament in May, 1869. It was accepted and the parliament passed a law intitled: "An act for the temporary government of Rupert's Land and the Northwest Territory when united with Canada." They continued forgetting the "old inhabitants of the country," who were more and more grieved by this forgetfulness. Lord Granville had said to the governor-general:

"I am sure that your government will not forget the care which is due to those who must soon be exposed to new dangers, and in the course of settlement be dispossessed of the lands which they are used to enjoy as their own or be confined within unwontedly narrow limits."

Instead of following such a wise warning the Canadian Government did the contrary. On the 10th July, 1869, order was given to Colonel Dennis to go immediately to the Red River and they added:

"You will proceed with such surveying operation at Oak Point and the vicinity of Red River as may appear to you to be necessary in any event."

This was too much; Colonel Dennis found resistance when he wished to proceed with the surveying. He wrote to his superiors stating this resistance and the mistrusts excited by these proceedings, for, added he: "They conceive to be premature the action taken by the Government in proceeding to effect a survey of the lands."

On the 29th September a governor was named, the personnel of his administration was selected for him; the provisional government of Rupert's Land was thus organized at Ottawa. On receiving this news the halfbreeds also formed a provisional government and named a president and secretary.

The newspapers of the capital having had the imprudence to state that the Federal authorities had sent to Red River 350 rifles and 30,000 rounds of ammunition irritation succeeded to mistrust, alarm took the place of fear. One part of the

colony, thinking itself threatened, had recourse to arms and kept this attitude until confidence was restored.

## 2nd. THE ASSURANCES GIVEN BY IMPERIAL AND FEDERAL AUTHORITIES CONTRIBUTED TO APPEASE THE DIFFICULTIES.

The situation having become alarming in Red River the authorities were startled by it. On studying and examining that situation the causes of mistrust and irritation were recognized and the authorities considered the means of lessening the evil without provoking the most awful consequences, which would be nothing else but civil war and the invasion of the country by bands hostile to the interests of the crown.

The governments of England and Canada combined their efforts and action with the same view, being anxious according to Lord Granville's words: "To exhaust all means of explanation and conciliation before having recourse to force."

The means employed were; first, the acknowledgement of the errors committed and the responsibilities incurred; then they asked the good offices of persons, who enjoyed the consideration of those whose confidence was to be won; lastly, it was thought proper to give assurances in order to lessen the fears which had caused so much evil.

## AVOWAL OF PROVOCATIONS.

The Imperial government did not hesitate to say to the Federal government that the latter had taken upon itself a great responsibility in the course of these mournful events. In a dispatch of Lord Granville, dated 30 November, 1869, it is said: "The Canadian Government undertook certain operations in respect of lands . . . and directed the future lieutenant-governor to enter the country . . . having by this measure given occasion to an outburst of violence in the territory."

On the 4th of December the honorable, the secretary of state for the provinces, wrote to Rev. Father Thibault, my vicar-general:

"I am commanded by His Excellency the Governor General, to convey to you . . . I think it unnecessary to make more than a passing reference to the acts of folly and indiscretion attributed to persons who have assumed to represent the Dominion and to speak in its name, but who have acted under their own responsibility and without the knowledge and sanction of the government."

On the 16th December, 1869, the privy council recognized that "the resistance is evidently not against the sovereignty of Her Majesty, but to the assumption of government by Canada." As the Canadian government had no authority in the Red River, to take possession of it was not only illegal but even provocative and the privy council, while acknowledging this, explained the excitement caused by this act.

The Canadian government did not spare its appreciations concerning "its employes who had committed acts of folly and indiscretion." The honorable secretary for the provinces wrote to one of them on the 23rd December.

"The proceedings, as reported by himself are so reckless and extraordinary that there can be no relief from solicitude, while an officer so imprudent is acting under your authority.

"It is impossible to read the account of his attempt to persuade Judge Black to aid him in proclaiming martial law, without strong feeling of regret that you should have been represented in the settlement by a person with so little discretion."

The secretary of state having put all the blame upon the employes of the government, of which he was a member, Lord Granville, minister of the colonies, did not fear to place the responsibility to the government of Ottawa itself. So much so that the noble lord used the following words in his dispatch of Jan. 16, 1870: "Those proceedings have certainly enhanced the responsibility of the Canadian government."

It is evident that the dissatisfied in the Red River settlement could not but experience a certain satisfaction and feel more confident the moment they were informed of the condemnation in high quarters of the conduct of those who appeared so odious and even so dangerous.

The authorities understood the necessity of sending to the dissatisfied

#### MEN IN WHOM THEY TRUSTED,

and this is the reason why Messrs. Thibault, Vicar-General, de Salaberry, Donald A. Smith (now Sir Donald) and the Bishop of St. Boniface were asked to go to Red River to make known the true intentions of the authorities; to dispel fears and mistrust and show the union with Canada in such a light that it could be accepted. Instructions were given to these gentlemen, but these instructions had a common object, that of calming the spirits, in order to effect peacefully the transfer of the country to Canada. The means to be employed were persuasion and that persuasion needed to rest on guarantees contained in official documents, and especially in documents signed by the governor-general.

#### ASSURANCE GIVEN.

The population had thought that they would be left to the mercy of subalterns, whose hostile dispositions would be a continual danger; the threats and acts of certain people had caused the French Halfbreeds to fear being exposed to be treated as outcasts in their own country. Their apprehensions extended to the French language and the Christian education of their children. Some had told them they would be dispossessed of their lands.

To encourage them the Governor-General told them in a proclamation dated 6th December 1869: "By Her Majesty's authority I do therefore assure you that

on the union with Canada, all your civil and religious rights and privileges will be respected, your property secured to you."

The events, which took place during the insurrection did not change the dispositions of the Imperial and Canadian governments. In an autograph letter dated 16th February 1870, the governor-general honored me with the following:

"Lord Granville was anxious to avail of your valuable assistance from the outset, and I am heartily glad that you have proved willing to afford it so promptly and generously.

"You are fully in possession of the views of my government and the Imperial Government, as I informed you, is earnest in the desire to see the Northwest Territory united to the Dominion, on equitable conditions.

"The people may rely that respect and attention will be extended to the different religious persuasions, that the title to every description of property will be carefully guarded and that all franchises which have subsisted or which the people may prove themselves qualified to exercise shall be duly continued and liberally conferred."

The same day the premier after a long conversation gave me a letter, part of which read as follows:

"Will you be kind enough to make full explanations to the council on behalf of the Canadian government as to the feelings, which animate not only the governor-general, but the whole government with respect to the mode of dealing with the Northwest.

"We have fully explained to you and desire you to assure the council authoritatively that it is the intention of Canada to grant to the people of the Northwest the same free institutions which they themselves enjoy."

The same day again, the 16th February, the hon. secretary of state for the provinces, wrote to me:

"It is important that you should know that the proceedings by which the lives and properties of the people of Rupert's Land were jeopardized for a time, were at once disavowed and condemned by the government of this Dominion. \* \* They would deeply regret if the civil and religious liberty of the whole population were not adequately protected."

Not content with these assurances, transmitted by those deputed to the people of Red River, the Imperial government and that of Ottawa understood how legitimate were the regrets of that population in thinking of the intention of uniting its country with Canada, without having consulted it, without making arrangements that could have satisfied it. Such is the reason why the authorities insisted, in order that delegates should come to Ottawa from the Northwest and negotiate on behalf of the population. This was mentioned in the proclamation of the Governor-General on Dec. 6, and the Canadian commissioner insisted upon accepting such proposition. The convention held in Fort Garry in February, 1870, favorably received the suggestions and framed a "bill of rights" to be presented by the delegates in Ottawa.

The president of the provisional government, having been elected by the convention, chose the three delegates.



Unfortunately new complications delayed their departure and caused that measure of conciliation to be indefinitely adjourned. The idea of a delegation had even been abandoned when I arrived in St. Boniface on March 9, 1870.

To the interested I delivered all the messages given to me for them. I insisted that the delegates should be sent without further delay. I brought to their knowledge the following passage of a letter given to me by Sir John A. Macdonald on Feb. 16 :

"In case a delegation is appointed to proceed to Ottawa you can assure them that they will be kindly received and their suggestions fully considered; their expenses coming here and returning and while staying in Ottawa, will be defrayed by us."

These assurances put an end to the objections. The greatest difficulties were removed; irritation ceased and negotiations began.

### 3rd. THE NEGOTIATIONS BROUGHT THE MANITOBA ACT, WHOSE GUARANTEES OFFERED AN ADVANTAGEOUS SOLUTION OF THE DIFFICULTIES.

The executive of the provisional government having consented to send a delegation, chose the same three delegates who had been named at the convention.

The gentlemen hesitated to accept the nomination, for the reason that it was told to them that the "Bill of Rights" of the convention would be modified and that, besides other demands, instead of asking for the acknowledgement of a territory having its temporary government, they would have to ask for the creation of a regular province, with a permanent and responsible government. The delegates dreaded their responsibility in the matter; nevertheless, the certainty of numerous dangers that threatened the country, determined them to delay no longer the chances of reconciliation, and consequently of union with Canada.

It is only on the 22nd of March that the delegates received their credentials and new "Bill of Rights," which was to be the only basis of the negotiations with the government.

A word on what is called "Bill of Rights." The demands to be made at Ottawa were modified so often and in so many ways that it is not surprising that these numerous additions have given rise to a certain confusion.

Whatever may have been the opinions on the subject, it is now settled by the researches which were crowned with success in the departments of the capital, and asked for by the Hon. Senator T. A. Bernier.

It is well known that Rev. Father Ritchot was one of the three delegates. That venerable priest, called as a witness in the case of the Crown versus Lepine, handed over to the presiding judge the original "Bill of Rights," the very one

which was put in his hands by the Provisional Government on the 22nd of March; and which was to guide him, and in fact did guide him, in the course of the negotiations.

That document, inestimable as to its historical value, was never returned to Father Ritchot, although it was filed under the letter N, among the exhibits of the trial, in Winnipeg. Fortunately a true copy, signed by Mr. Daniel Carey, "clerk of the crown and of the peace," had been officially sent to the department of justice immediately after the trial in 1874. This copy has just been found in the archives at Ottawa; it is in the department of the secretary of state, where its authenticity has been established beyond any doubt.

### IMPORTANCE OF THE DELEGATION.

Even before the departure of the delegates, Lord Granville telegraphed to the governor-general: "Let me know by telegram when you know delegates have started from Fort Garry." On the 22nd of March, Sir F. Rogers, under secretary of state for the colonies, wrote: "Troops should not be employed in forcing the sovereignty of Canada on the population of the Red River, should they refuse to admit it." On the 7th of April the governor-general telegraphed: "Last of the delegates is expected at St. Paul on Thursday, the 14th; the others arrived there to-day, and may reach Ottawa on Saturday the 9th." On the same day, the 9th of the same month, Lord Granville telegraphed to the governor-general: "Let me know as soon as you can by telegram result of negotiation with Red River delegates."

On the 23rd April the Earl of Granville made known as follows the will of the Imperial government: "Canadian government to accept decision of Her Majesty's government on all portions of the settlers Bill of Rights."

It is evident that the English government attached a great importance to the negotiations that were about to take place at Ottawa to consider the bill of rights brought by the delegates.

Those negotiations were opened on the 23rd April and continued until the 1st day of May. The delegates insisted on all the points of the bill of rights, but as they had come to negotiate and not to impose their will in an absolute way, they had to accept some modifications. It is easy to see that the bill had not been prepared by men well versed in such matters, for it contains contradictions and even impossibilities. Whatever may have been its preparation, all the articles were examined, either accepted, modified or rejected in order to meet the assent of the government and of the delegates to such an extent that, on the 3rd of May the governor-general was able to telegraph to Lord Granville, "Negotiations with the delegates closed satisfactorily."

## THE MANITOBA ACT.

The assent of the Canadian parliament being necessary in order to bind Canada in its understanding with the delegates, the government caused a bill to be drawn, this was entitled the Manitoba Act. In comparing this act of the Canadian Legislature with the Bill of Rights brought by the delegates, it is easy to convince oneself that the act is but the legal form of the concessions and arrangements based on the bill. To render my assertion more evident I will establish the relation existing between the twenty articles of the Bill of Rights and the XXXVI clauses of of this Manitoba act. In making this comparison I will use the Bill of Rights handed by Father Ritchot to the court while affirming under oath that it was the document which had been the basis of the work of the delegation and the copy from which I borrow my citations has been certified as a true copy of the true copy by Mr. Catellier, under secretary of state at Ottawa. I will indicate by quotation marks the text itself of the bill and of the act and mark by italics the identity of the meaning of both documents. I will give in full the twenty articles of the Bill of Rights, but as the Manitoba act is better known I will take in each clause what is necessary to show the resemblance between those clauses and the demands made in each article.

Analogy between the twenty articles of the Bill of Rights and the XXXVI clauses of the Manitoba act :

## BILL OF RIGHTS.

## ARTICLE I.

"That the territory heretofore known under the names of Rupert's Land and of the Northwest enter the Dominion of Canada as a province to be named Assiniboia with all the privileges common to the different provinces of the Dominion."

(N. B.)—The delegates after their arrival at Ottawa received instructions to demand that the new provinces be called Manitoba.)

## MANITOBA ACT.

## CLAUSE I.

"The Queen shall admit Rupert's Land and the Northwest Territory into the union or Dominion of Canada, there shall be formed out of the same a Province which shall be called the Province of Manitoba."

## CLAUSE II.

"The Provisions of the British North America Act, 1867 shall be applicable to the Province of Manitoba in the same way, and to the like extent as they apply to the several Provinces of Canada."

"Clause VI for the said Province there shall be an officer styled the Lieutenant-Governor"; clause VII "The Executive Council"; clause VIII "The seat of Government shall be at Fort Garry"; clause IX "There shall be two houses styled respectively the Legislative Council of Manitoba and the Legislative Assembly of Mani-

toba. Clauses from X to XII relate to the Legislative Council, clauses XIV to XVI and XVIII to XXI relate to the Legislative Assembly, and clauses XXXV and XXXVI to the Government of "such portion of Rupert's Land and the Northwestern Territory, as is not included in the Province of Manitoba."

## CLAUSE III.

"The said provinces shall be represented in the senate of Canada by two members." Clause IV.—"The said province shall be represented in the first instance in the House of Commons by four members."

## CLAUSE XXIV.

"Inasmuch as the province is not in debt the said province shall be entitled to be paid and to receive from the government of Canada, by half yearly payments in advance, interest at the rate of five per centum per annum on the sum of four hundred and seventy-two thousand and ninety dollars."

## CLAUSE XXV.

"The sum of thirty thousand dollars shall be paid yearly by Canada to the province . . . and an annual grant, in aid of the said province, shall be made equal to eighty cents per head of the population."

## CLAUSE XXXII.

"For the quieting of titles and assuring to the settlers in the province the peaceful possession of the lands now held by them, it is enacted as follows."

(N. B.)—The five sub-clauses direct that the rights and privileges possessed be respected and moreover assure the benefit of customs and practice.

## CLAUSES XXVIII AND XXIX.

"Such provisions of the customs laws of Canada . . . Such provisions of the laws of Canada respecting the inland revenue . . . as may be from time to time declared by the Governor-General-in-council applic-

## 2.

"That until such time as the increase of the population in this country entitle us to a greater number, we have two representatives in the senate and four in the Commons of Canada."

## 3.

"That in entering the Confederation the province of Assiniboia be completely free from the public debt of Canada; and if called upon to assume a part of the said debt of Canada, that it be only after having received from Canada the same amount for which the said province of Assiniboia should be held responsible."

## 4.

"That the annual sum of eighty thousand dollars be allowed by the Dominion of Canada to the legislature of the province of the Northwest."

## 5.

"That all properties, rights and privileges enjoyed by us up to this day be respected and that the recognition and settlement of customs, usages and privileges be left exclusively to the decision of the local legislature."

## 6.

"That this country be submitted to no direct taxation except such as may be imposed by the local legislature for municipal or other local purposes."

7.

"That the schools be separate and the public monies for schools be distributed among the different religious denominations in proportion to their respective population."

## CLAUSE XXII.

"In and for the province, the said legislature may exclusively make laws in relation to education, subject and according to the following provisions."

(1) Nothing in any such law shall prejudicially effect any right or privilege with respect to denominational schools which any class of persons have by law or practice in the province at the union :-

(2) An appeal shall lie to governor-general in council from any act or decision of the legislature of the province, or of any provincial authority, affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education:

(3) In case any such provincial law as from time to time seems to the governor-general in council requisite for the due execution of the provisions of this section is not made, or in case any decision of the governor-general in council on any appeal under this section is not duly executed by the proper provincial authority in that behalf, then, and in every such case, and as far only as the circumstances of each case require, the parliament of Canada may make remedial laws for the due execution of the provision of this section, and of any decision of the governor-general in council under this section."

## CLAUSE V.

8.

"That the determination of the qualification of members for the Parliament of the Province or for the Parliament of Canada be left to the local legislature."

The qualification of voters at election of members of the house of commons shall be the same as for the legislative assembly hereinafter mentioned, and no person shall be qualified to be elected or to sit and vote as a member for any electoral district unless he is a duly qualified voter within the said province."

9.

"That in the Province, with the exception of the Indians, who are neither civilized nor settled, every man having obtained the age of 21 years and every foreigner being a British subject, after having resided three years in this country, and being possessed of a house, be entitled to vote at the election for members of the Local Legislature and of the Canadian Parliament; and that every foreigner other than a British subject having resided here during the same period, and being proprietor of a house, be likewise entitled to vote on condition of taking the vote of allegiance. It is entitled that this article is subject to amendment by the Local Legislature exclusively."

10.

"That the bargain of the Hudson's Bay Company with respect to the transfer of the Government of this country to the Dominion of Canada be considered as null in as much as it is contrary to the rights of the people of Assiniboia and as far as it can interfere with our future relation with Canada."

11.

"That the Local Legislature of this Province have full control over all the lands of the Province and have the right to make null all agreements made or begun with regard to the public lands of Rupert's Land on the Northwest now called the Province of Assiniboia."

N.B. - Later, a provision was made to grant lands to the heads of Halfbreed families and old settlers, over and above what they possessed at the time of the Union.

## CLAUSE XVII.

"Every male person shall be entitled to vote for a member to serve in the Legislative Assembly who is qualified as follows: that is to say, if he is:

"1. Of the full age of twenty-one years and not subject to any legal incapacity."

"2. A subject of Her Majesty by birth or naturalization."

"3. Any bona fide householder within the electoral division at the date of writ of election for the same, and has been a bona fide householder for one year next before the said date."

"4. . . . or if he was at any time, within twelve months prior to the passing of this act, and is at the time of such election a bona fide householder."

## CLAUSE XXXIV.

"Nothing in this act shall in any way prejudice or affect the rights or properties of the Hudson's Bay Company, as contained in the conditions under which that company surrendered Rupert's Land to Her Majesty."

## CLAUSE XXX.

"All ungranted or waste lands in the Province shall be administered by the Government of Canada for the purpose of the Dominion."

(N. B.) - To mitigate the refusal of leaving the public lands to the Province it was enacted.

## CLAUSE XXXI.

"To appropriate a portion of such ungranted lands to the extent of one million four hundred thousand acres thereof, for the benefit of the families of the Halfbreed residents . . . and divide the same among the children of the Halfbreed heads of families."

## CLAUSE XXXIII.

"The Governor-in-Council shall settle the mode and form of grants of lands from the Crown."



12.

"That a commission of engineers appointed by Canada explore the various districts of the Northwest and lay before the Local Legislature, within a space of five years, a report of the mineral wealth of the country.

13.

"That treaties be concluded between Canada and the different Indian tribes of the country at the request and with the co-operation of the Local Legislature."

14.

"That an uninterrupted steam communication from Lake Superior to Fort Garry be guaranteed to be completed within the space of five years."

15

"That all public buildings and constructions be at the cost of the Canadian Exchequer."

16

"That both English and French languages be common in the legislature and in the courts, and that all public documents as well as the acts of the legislature be published in both languages."

17

"That the Lieutenant-Governor to be appointed for the province of the Northwest be familiar with both English and French languages."

18

"That the Judge of the Supreme Court speak the English and French languages."

## CLAUSE XXVI.

Canada will assume and defray the charges for the following services:  
(7.) Geological survey.

(N.B.—What concerns the Indians pertains to the Federal Legislature so mentioned in Clause 91, sub-clause 24 of the British North America Act, 1867.)

(N.B.—The Government assumed the delegates that they were anxious to establish the communications as asked for and many others and that it was in view of such an object that they were reserving the public lands. Events have proved the sincerity of the assertion.)

## CLAUSE XXVI.

"Canada will assume and defray the charges for the services enumerated in the nine sub-clauses."

(N.B.—Moreover the Government promised the delegates that it will defray the expenses for the Lieutenant-Governor's residence and the parliament buildings, and they have kept their promise.)

## CLAUSE XXIII.

Either the English or the French languages may be used by any person in the debates by the houses of the legislature, and both those languages shall be used in the respective records and journals of those houses, and either of those languages may be used by any person, or in any pleading or process, in or issuing from any court of Canada established under the British North America Act 1867, or in or from all or any of the courts of the province. The acts of the legislature shall be printed and published in both those languages.

19

That all debts contracted by the Provisional Government of the Northwest, now called Assiniboia, in consequence of the illegal and inconsiderate measures adopted by Canadian officials to bring about a civil war in our midst, be paid out of the Dominion treasury; and that of the Provisional Government, or any of those acting under them, be in anyway held liable or responsible with regard to the movement or any of the actions which led to the present negotiations.

20

"That owing to the exceptional position of Assiniboia customs duties on the merchandise imported into the province, with the exception of liquors, shall be continued to be the same as at present for the period of three years, to be computed from the time of our entry into confederation and as long afterwards as communication by railroad will not be completed between St. Paul, Winnipeg & Lake Superior."

The resemblance between the above quoted Bill of Rights and the Manitoba act are so manifest that their simple reading suffices to convince one of their analogy. It is evident that every demand of the Bill of Rights has been considered during the negotiations, and then accepted, modified or rejected according to the understanding of the negotiators. Some demands were refused only when the general interest or laws already sanctioned by Her Majesty needed it and even in these cases compensation was offered and granted. The 10th article above was rejected in full and the XXXIV clause proves that the request was really inadmissible.

The Manitoba act was nothing but the result of the negotiations of the Canadian government with the delegates of Red River, it was drawn during these negotiations, submitted to the delegates and accepted by them. It is then and then only that it was brought before the Commons and that the governor-general telegraphed to Lord Granville: "Negotiations with delegates closed satisfactorily." The right hon. secretary for the colonies answered:

"I take this opportunity of expressing the satisfaction with which I have learned from

(N.B.—Sir John A. Macdonald had written to Bishop Tache on the 16th of February: "In case the company should claim the payment of its stores, the Canadian Government will stand between the insurgents and all harm." And in fact the Hudson's Bay company and all other losers have been indemnified for losses sustained. Moreover the amnesty was promised and virtually granted except in the case of three members of the Provisional Government.)

## CLAUSE XXVII.

"The customs duties now by law chargeable in Rupert's Land shall be continued without increase for the period of three years from and after the passing of this act, and the proceeds of such duties shall form part of the Consolidated Revenue Fund of Canada."

your telegram of the 3rd instant that the Canadian government and the delegates have come to an understanding as to the terms on which the settlement of the Red River should be admitted into the Dominion."

The different branches of the Federal legislature examined and discussed at length the bill submitted to them and it was adopted by a vote nearly unanimous. All that was left to the delegates was to make to their constituents a report of their mission.

On the 17th May, the Hon. Mr. Black wrote to his co-delegate, the Rev. Father Ritchot :

"With regard to your suggestion that I should give some written accounts of our negotiations with the government I may say that the best report which I could possibly give is the bill itself."

Rev. Father Ritchot thought like his colleague, and on the 24th June, in making his report before the legislative assembly in Fort Garry, he ended his remarks by handing over to the members of the assembly the Manitoba Act. The organ "The New Nation," in referring to this interview, adds:

"It was then unanimously resolved by the legislature in the name of the people that the Manitoba Act should be accepted as satisfactory, and that the country should enter the Dominion on the terms specified in the Manitoba and Confederation Acts."

On the 15th July following Her Majesty proclaimed the transfer of the province of Manitoba and the Northwest territories to the Dominion of Canada. This is how a satisfactory solution of the Red river troubles was arrived at by the negotiations I have just mentioned. It could not be otherwise. Mistrust and fear had caused the insurrection of the halfbreeds. They had feared some kind of political slavery; the negotiations based on their request obtained that their country should be a regular province with a responsible government and with all the franchises enjoyed by the inhabitants of other provinces. The old settlers had feared to be deprived of their properties and of certain rights and privileges which they possessed and used; they expressed their demands; not only did they obtain what they asked for, but the negotiations assured them larger properties than they had had until then.

Those who were of French origin and who were anxious as to the use of their language had asked for an official acknowledgement. The Manitoba act established and sanctioned such acknowledgement in the most positive and explicit way. Some parents were solicitous as to the religious teaching in the schools. They asked that the promises of the Governor-General assuring them that "respect and attention will be extended to the different religious persuasions . . . all your civil and religious rights and privileges will be respected," should be kept, they asked that these assurances be expressed by a guarantee that after the

union with Canada the schools would be separate schools. No objection was made to this demand; on the contrary, the ministers negotiating on behalf of the Government promised that it would be so, and in the Manitoba Act new guarantees were added to those contained in the Act of British North America, 1867. The delegates informed their co-negotiators that there was no law concerning the schools of Assiniboia, but that there existed a "practice," and they suggested that the rights or privileges, given by such practice, should be protected as if conferred by law. Such is the reason why the word "practice" was put in the (1) sub clause of the clause XXII. Moreover the right of appeal to the governor-general, in matters of education, was amplified. The act of confederation recognized but two cases in which this right of appeal could be exercised. Besides this privilege, possessed by the minority of Manitoba as well as by the minorities in the other provinces, the act of its entry into confederation allowed it to appeal from all act of the legislature as from all provincial authority.

This XXII clause of the Manitoba act places our schools in the second phase of their existence. Those who know history can appreciate the whole value of this disposition of the law. The seven articles of the bill of rights asked for separate schools; that request was not unreasonable, it could not and was not rejected. If that request had been denied, if nothing had been in the Manitoba act that could be considered as a safeguard for the denominational schools, the delegates would surely not have declared themselves satisfied. All those who took part in the negotiations understood that the XXII clause meant a protection granted to the minority, Protestant or Catholic: all the members of Parliament who voted for it understood it in this same way and voted in that sense, the bill became law, and later was confirmed by the Imperial parliament. That clause while protecting all rights and privileges in matters of education, became the uniting link between the "practice" followed under the primitive government of the Red River and the laws of the new province subsequently enacted.

If this clause, concerning schools, did not give efficacious protection, then the delegates would have been deceived in a most strange way as well as those whom they represented. If it had been so, all the promises made, all the assurances given in the name of the Queen, all the negotiations asked for, conducted and ended by the Imperial and Federal authorities: all that would have been an unworthy farce, nay, it would have been even a criminal one, culminating in a false assertion on the part of the governor-general when he wrote: "Negotiations with the delegates closed satisfactorily." But no, it cannot

have been so. The history of the Red River troubles, of their pacification, of their solution by friendly negotiations, of the accepting of "equitable conditions;" that history must be known; sooner or later what I have proved in this second chapter of the history of our schools will be admitted. This history can be resumed as follows :

1. Mistrust was the cause of the Red River troubles; oppression by number was foreseen and feared.

2. That mistrust increased by the establishment of Confederation; Canadian employes rendered it more intense during the famine of 1868-9; Canada developed it in negotiating the acquisition of the country and legislating on its administration without thinking of the inhabitants.

3. Canada provoked armed resistance when taking possession of the country too soon and sending arms and ammunition to enforce its authority.

4. The government of Canada and even that of England, desirous of dispelling the fears and renew confidence, made over and over the most assuring promises; sent to the dissatisfied men in whom they trusted and asked that a delegation

should be sent from Red River to Ottawa to negotiate the entry of the country into confederation.

5. Delegates went to Ottawa to take and support the requests contained in the bill of rights, this being intended as the basis of negotiations.

6. Negotiations ended in "a satisfactory manner" and by that brought about a solution to the troubles. Besides verbal assurance given to the delegates, the Canadian government entered the legal expression of these assurances in the Manitoba act, which was voted by the different branches of the federal legislature and accepted by the legislative assembly in Fort Garry in the name of the people of the Northwest.

7. The Manitoba act, granting a responsible government, etc., etc., has also fixed that the use of the French language would be official and that, in a most clear and explicit manner.

8. The Manitoba act also guarantees to the minority, either Protestant or Catholic, the rights and privileges conferred by "practice" at the time of the union, relating to denominational schools.

### *III. Third Phase*

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The Legislature of Manitoba establishes a System of Education of which every class of people can profit without interfering with their Religious Convictions.

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( See next page. )



The study of the first phase of our schools proves that the religious convictions of every one have been respected in the establishment of these schools; moreover, the different public authorities of Assinibola have appreciated those convictions; helped the schools established for their teaching and that for over fifty years. The study of the second phase shows the country in a state of agitation, full of fear and mistrust; because a part of the population thinks itself threatened with losing the liberty enjoyed; threatened with the suppression of privileges dear to it, and also because that population feared to be submitted to obligations endangering the faith of their children. Friendly negotiations put an end to those troubles and calmed the apprehension by giving assurances which were accepted in good faith by people thinking that they were also given in good faith by superior authorities that would know how to protect them.

Among them were assurances relative to education. Their guarantee, expressed in legal forms that may seem ambiguous, were explained so as to leave no doubt about their real meaning. It was assured that the government desired to protect the rights acquired by justice and safeguard them against encroachments and precipitation of a future legislation. It is on account of these explanations given in parliament, given to the delegates and given to myself, in many instances, that I look upon the assurances expressed in the "Manitoba Act" as a second evolution of the schools; as a protecting link between what was indefinite in the known past and what was dreaded in an unknown future. The friends of the Red river were delighted, seeing peace and confidence revive amongst the settlers formerly so happy and peaceful.

Alas! why mention it; the new arrangements did not satisfy everyone, and some protested with sectarian malice that the agreement could not last; that when the foreign element would be strong enough to impose the will they would not care for all the promises and assurances given and that, of the Manitoba act, it would be left only what would please the enemies of the old inhabitants.

Whatever may have been said concerning certain deceptions and the threats they inspired; whatever may have been certain acts of violence which marked the establishment of the new province, Red River was provided with a responsible government, based on and explained by the declarations made in the course of the negotiations which determined this new creation.

On the fifteenth of July, 1870. Her Majesty, the Queen, proclaimed the transfer of the country to the Dominion of Canada. Every one was anxious to see the application of the Manitoba act, that charter of civil, political and religious liberties.

The royal proclamation uniting Manitoba to Canada, made it a province of the confederation with the same privileges as the other provinces of the Dominion; enriched by what was considered by special enactment by the transfer the sphere of the Federal authorities, action and responsibility was greatly enlarged; they were invested in the Northwest, with the powers and authority they exercised in the other provinces, moreover, they had at their disposal the immense domain, assured to them by the negotiations; a source of wealth rendering it more requisite that they regard as sacred the protection promised. The first exercise of the Federal authority over the prairie province was to make an application of the constitution, which gave it its existence, its narrow limits in the midst of the immensity of the Northwest and invested it with autonomy.

Let us examine how Manitoba will make its debut in the exercise of its liberties and duties; how among other things it will manage the cause of education put into its hands under certain restriction, and I invite the reader to examine with me the "Third Phase" of this important question.

I then ask from history some of the information it can furnish concerning this period which lasted for about eighteen years, during which the Province of Manitoba was administered by four lieutenant-governors who were the Honorable Adams George Archibald, Alexander Morris, Joseph Edward Couchon, and James B. Aikins.

#### FIRST LIEUT.-GOVERNOR OF MANITOBA.

The first official placed by Canada at the head of the administration of the province of Manitoba was the Hon. Adams George Archibald. To him was entrusted the important and difficult task of governing a country recently in full insurrection. It was in Niagara, Ont., and on the 23rd July, 1870, that the new lieutenant-governor was sworn in by the governor-general, Sir John Young. It was decided that the new representative of Her Majesty should not go to the country by the United States, but that he would take the ancient route of canoes from Fort William. His Honor reached Fort Garry on the 7th of September.

Arriving in the night and after abundant rains the governor convinced himself that all was not bright nor of the most pleasant aspect in his new domain. In fact the chief of administrators needed intelligence, tact, prudence, firmness and skill to steer the ship of the state, in the midst of darkness and dangers surrounding it. Mr. Archibald possessed those qualities in more than in an ordinary way. Seeing the confusion among the different elements comprising the population he immediately understood that he had a great deal to do; that he had to work energetically and conscientiously to renew harmony, order and confidence in

the country. He understood, and all well minded people understood like him that he could not be purely and simply a constitutional governor, in the usual sense of the word, but that he had to act himself and put his hand to the wheel to give a regular motion and a useful direction to the car of the state. Fortunately his knowledge of jurisprudence and administration had prepared him to advantageously combat the numerous difficulties he met with.

Mr. Archibald had occupied a seat in the commons at Ottawa: at the very origin of confederation he had been a member of the first Federal cabinet. When difficulties began in Red river he followed their development with the anxiety of a patriotic and enlightened statesman; he lost sight of no stage of such threatening events. The negotiations carried out at Ottawa greatly interested him. Having been a member of the government and always one of its most zealous partisans, Mr. Archibald knew the views of the Federal administration, and when the Manitoba bill was discussed in the Commons he took an active part in the debates and proved, in a speech full of moderation, that he had fully conceived the extent of that measure of conciliation.

The governor immediately named two ministers, one English, the Hon. Alfred Boyd, and the other of French origin, the Hon. Marc A. Girard. He himself often spoke French, although he could speak it but with difficulty, to prove that he had not come in contrariety with the requests made by the delegates. A proclamation assured to everyone an equal protection and equal rights; this was necessary to show that the Manitoba Act was not a dead letter. A census of the whole population made known that its two sections, that is to say, the Catholics and the Protestants were about equal and lived in parishes exclusively French or exclusively English, or rather exclusively Catholic or exclusively Protestant. This is why the Province was immediately divided into twenty-four electoral districts, of which twelve were among the French and twelve among the English. A proclamation, dated the 3rd Dec., announced the elections for those twenty-four divisions; the elections took place on the 30th of the same month. Among the twelve Catholic representatives were six halfbreeds: Messrs. Beauchemin, Breland, Delorme, Klyne, McKay and Schmidt. The six others were Canadians of different origin: Messrs. Clark, Dubuc, Girard, Lemay, McTavish and Royal. Among the twelve Protestant representatives were also six halfbreeds: Messrs. Bird, Bunn, Burke, Norquay, Spence and Taylor; the six others were English or Scotch, at least by origin: Messrs. Bird, Boyd, Hay, Howard and Sutherland. The governor completed his administration by adding three other ministers to the two already mentioned;

one of English descent, Mr. Howard, another of Irish descent, Mr. Clark, the third was a halfbreed, Mr. McKay. The legislative council was also formed and according to the Manitoba act, numbered seven members, two Scotch halfbreeds, Messrs. Inkster and McKay; two French halfbreeds, Messrs. Dauphinais and Hamelin; two Irish, Messrs. O'Donnell and O'Giltree, and one Scotch, Wm. Gunn. A proclamation, dated the 4th day of March, convoked the chambers for the transaction of business, fixing March 15 as the day of opening. On the 10th a proclamation named the Hon. Jas. McKay speaker of the legislative council; another made Mr. Thomas Spence clerk of the same council, and a third named Mr. Molyneux St. John clerk of the legislative assembly.

I give these details to show what care was taken that the different elements of the population be represented and have their share of patronage. Harmonizing heterogeneous elements is done only by equal protection and not by systematical exclusion.

The house opened on March 15. Mr. Royal was unanimously elected speaker of the legislative assembly. All the ceremonies of the opening of this first session of the first parliament of Manitoba were marked by great pomp and solemnity; it was the inauguration of a new era in the Northwest.

The governor himself had his share in the organization of all that was required on this solemn occasion. He was still more particularly busy in the preparation of the measures which were to put to the test the ability of the new legislators. Besides his experience in Ottawa, Mr. Archibald had had a large one in the legislature of his own province, where he conducted many important measures. The question of education had received on his part a particular attention; he was therefore in a position to direct the inexperienced of the new legislative bodies of Manitoba. He did so faithfully, keeping in mind the Manitoba act, which he always considered as and knew to be the true charter of the province, reminding his legal advisors to keep within the limits of that charter with regard to education as well as to other matters.

The legislative assembly selected eight different permanent committees, one of which was on education. It was composed of Messrs. Boyd, Girard, Bird, Dubuc, Norquay, Breland and Sutherland. The speaker of the legislative assembly had beforehand made a special study to the effect of preparing a bill for the schools.

Mr. Norquay presented that important measure on the 27th April, 1871. After passing through all the required legislative proceedings the bill was unanimously adopted and intitled "An act to establish a system of education in this province." On the 3rd May the lieutenant-governor gave his assent to that act.



The passing of this statute was the beginning of the Third Phase of our schools. To come to such a result, the legislators, under the direction of the lieutenant-governor, knowing the practice in the country, were persuaded that the constitution of the province imposed the respect for that "practice." The governor's opinion was most decidedly the same.

All the members of the three branches of the legislature, either Protestant or Catholic, thought it natural, just and wise to acknowledge equal rights to all. This first school law created public schools either Protestant or Catholic and those schools were so much the more public that parents respectively found that, owing to the regard paid to their religious convictions, they could with safety allow their children to have the benefit of them. The law was so favorably received that it provoked no objection. The taxes imposed by it, and that were the first levied in the country, were paid without difficulty, hesitation or regret for the simple reason that they were advantageous to the different classes of persons paying them, notwithstanding its imperfections, that law was accepted and put into operation by the Catholics, the Protestants as a whole also accepted it. It would have been easy for the latter to obtain distinction between their schools if such had been their desire. The Anglicans and Presbyterians had their schools, they could have maintained them separate if they had so wished. A simple request on their part would have sufficed to determine the two houses to make that distinction, all the Catholics, as a single man, would have willingly given their vote in that direction. The Protestants did not care at the time for that distinction which exists in certain other parts of the British Empire; they preferred to be united to support their schools, as the law permitted them to have Protestant schools entirely separate from the Catholic schools. The authorities of parochial schools, either Anglican or Presbyterian, made no objection to the proposed union and accepted it. This is why the province of Manitoba was at its very origin provided with a system of public instruction, one as a whole and duplex in its application. The general council or board was entrusted with the general organization of common or elementary schools, while the same board was divided into two sections, one Protestant and the other Catholic, each of them having under its control the administration of the schools established, supported and attended by the members of its section.

To the common right of having schools of their choice, two privileges were given by the law to each section—that of organizing their schools and also that of being helped by public funds, without prejudice to the distinctive character they claimed and enjoyed. Let it not be forgotten that the Catholic schools

recognized by or erected under the law of Manitoba were not simply on the same footing as the separate schools in Ontario, but they were on a footing of perfect equality and had an action altogether parallel to that of non-Catholic schools. The one as well as the other were "public, common, free, national," but none of them were either neutral, anti-Christian or godless.

#### FEDERAL ENDOWMENT

The federal government determined to endow the schools of Manitoba and the Northwest. These countries newly acquired to the Dominion, had enriched it with an immense domain; it was decreed to reserve a part of it for the advantage of the young generations that occupied or would occupy in the future this vast extent of lands.

The Manitoba legislature had just established a system of education in harmony with the old practice of the country and in conformity with the idea predominating in the constitution of the new province. The facility and promptitude with which the new system was put into action proved that the system favored the views of the population; the federal government, instead of disallowing that law (as it did others passed during the same session) was willing on the contrary to help the schools such as established; this is the reason why, during the session of 1872, it proposed to the parliament of Ottawa to reserve a considerable part of public lands in favor of the schools of Manitoba and the Northwest. This proposition was accepted and incorporated in a statute of the Federal parliament intitled, "Dominion Lands act, 35 Victoria, chap. 23." The grant of which I speak is stipulated in section 22 and has for sub-title, "Educational Endowment," and reads as follows:

"And whereas it is expedient to make provision in aid of education in Manitoba and the Northwest Territories, therefore sections 11 and 29 in each and every surveyed township throughout the extent of the Dominion lands shall be and are hereby set apart as an endowment for purposes of education."

1st. The sections so dedicated shall be designated "school lands, etc., etc., etc."

By this the schools of Manitoba and the Northwest were entitled to the eighteenth part of all the public land comprised in the limits of the province and the territories. I ask from any man of good sense, could it come to the mind of a single member of the government, of a single member of the Canadian parliament; is it in the spirit of our constitution to vote such a law, with the intention of depriving of the benefit it confers a noticeable part of the nation and that, on account of its religion? The bill would have been rejected with indignation, if only the administration at Ottawa had manifested dispositions different from those animating the members of parliament. If,



for an instance, the leader of the house had said :

"To-day we wish to make an endowment in favor of the schools of Manitoba, we want to endow them as they are, Catholic and Protestant indiscriminately, but let it be well known to the Honorable members of that house, if in the future, the Catholics or the Protestants become more numerous, they will, either the one or the other, have the right to modify their school laws in order that the majority, whichever it may be, may establish a new system of education, in accordance with its views, without regard to the religious convictions of the minority and in this case the public lands which we desire to reserve for the schools of Manitoba and of the Northwest, will be for the exclusive benefit of the Catholic schools if the majority is Catholic, as well as they would be for the exclusive benefit of the Protestant schools if the majority is Protestant."

This imaginary proposition, however absurd, finds to-day its adherents, even among men usually believed to be intelligent and reasonable. I ask from the adversaries of our schools, who examine what happens, to appreciate the situation as they would, if the majority of Manitoba and of the Northwest were Catholics, and if that majority, forgetting its traditions and its duties, would treat the non-Catholic minority like the actual minority is now treated. Let it be granted that if the positions were reversed the country would be the theatre of a terrible commotion. I desire no commotion from wherever it may come. God forbid that I should excite the passions of the people, but it is allowed to ask for justice and the British fair play so much boasted of. That demand; although I make it to those of my religion, I do not fear to address it to our separated brethren and to say to them, treat the minority of Manitoba and of the Northwest as you would treat it, or at least would wish it to be treated if it were Protestant and if the Catholics wanted to impose upon it their own views on education. What! the eighteenth part of the public lands has been put aside for the support of the schools and the Catholics of the country would be deprived of their legitimate share in the benefit of such a rich endowment! Those lands, if I can speak in such a way, are for the five-twelfths Catholic, because when the act was passed concerning school lands the Catholic population of the Dominion was as it is to-day, the five-twelfths of the whole Canadian people. The Protestants, although they are the seven-twelfths of that same population, would not wish to impose such an injustice upon their Catholic fellow citizens and it is useless to add that the latter would not tolerate it.

## 2ND.—SECOND LIEUTENANT-GOVERNOR OF MANITOBA.

The Hon. Alexander Morris is advantageously known in the Letters and Annals of the Canadian Parliament. Admitted to the bar in 1851, he did honor to his profession both in Upper and Lower Canada. Ten years later he was elected in South Lanark, and by repeated elec-

tions received an unequivocal proof of confidence. In his very first speech in the legislative assembly of United Canada, Mr. Morris was remarked by his views as just and liberal. He sustained before the assembly what he had said elsewhere, that the "representation by population" was not the true remedy to the difficulties then agitating the country. There, as everywhere, he showed himself partisan of a federal union of the British provinces of North America. After the establishment of Confederation, he continued to represent his county in the Commons. In 1869 he became a member of the Federal cabinet and occupied that position until 1872. He was then a member of the privy council at Ottawa, when the difficulties began in Red River. There he was also when the negotiations which took place with the delegates restored calm to the country.

When the Manitoba act was prepared, discussed and passed by the three branches of the legislature, he took part in this and could easily grasp its extent and true meaning. In 1872 Hon. Mr. Morris was named chief justice of the court of Queen's Bench, established in Manitoba and powerfully contributed to its organization. On the 2nd December of the same year, he took the oath as lieutenant-governor of the province.

By this we see that the career of the Hon. Mr. Morris had prepared him in a most special way for the accomplishment of his duties as lieutenant-governor. During ten years Mr. Morris had occupied a distinguished position at the bar of the two Canadas. His literary works had been appreciated and rewarded. During more than ten years he was renowned in the circles of our parliaments. Having been a minister of the federal cabinet for three years he was cognizant of the affairs of the Red river and the true conditions of its entry into Confederation. While chief justice in Manitoba he had to study in a special manner the constitution of the province and the privileges guaranteed to its inhabitants, in order to apply them with discretion and justice. There is then every reason to look upon that second lieutenant-governor as a sure authority in the interpretation of the different clauses of the charter which made Manitoba a Canadian province. Well, Hon. Mr. Morris, lieutenant-governor, and conscious of his responsibility, has said in every way and on every occasion that the twenty-second clause of the Manitoba act had been put in the act as a sure guarantee to the schools, either Protestant or Catholic, that neither the one nor the other could be affected unfavorably without violating the constitution and that such violation, if it took place imposed upon the Federal authorities the obligation of safeguarding the compact concluded and accepted on both parts at the time of the negotiations in Ottawa with the Red River delegates.

On the 30th December, 1872, His Honor convoked the house for the transacting of business and fixed the date of opening for the 5th February following. In naming special and permanent committees the legislative assembly did not forget one for education because the parliament had again to occupy itself with the schools. In fact, on the 19th February, the Hon. Mr. Royal introduced a bill intituled: "An act to amend the school act." That bill was examined in special and general committee, went through all the parliamentary procedures, was brought before a conference of the delegates of the legislative assembly with the members of the legislative council and in the end was unanimously voted by both houses; on the 5th March following the bill was sanctioned by the lieutenant-governor, who had not been a stranger to its preparation.

This new law, much more extensive and complete than the one it modified, changed nothing of its fundamental principle. That principle recognized schools established and directed by and for Protestants as well as schools established and directed by and for Catholics, reserving to both respectively their rights and privileges.

In 1874 the increase of the population had disturbed the equilibrium existing between the two sections at the time of the admission of the province into confederation.

By a law passed in July, 1874, the legislature changed the limits of the electoral divisions, but maintained the number at twenty-four. The second general election was made according to this new redistribution of seats, and when the first session of the second parliament of Manitoba opened, on March 31, 1875, the personnel of the house was considerably changed. About half of the members were new representatives; many of these new representatives had manifested their opposition to the school law, and proposed to bring radical modifications to the system then in use. Not only did they fail in their effort, but many of them adopted the very view that had inspired the legislation, and which they at first intended to combat. The Hon. Mr. Morris had much to do with what then happened; he came forward as the champion of our school liberties in the interpretation of the Manitoba act. He succeeded in persuading many adversaries of the inutility of their efforts, affirming that it would be a violation of the constitution. The school law could be amended if such was the desire of the house, but that only on the condition that the fundamental principle would be safeguarded. It is again the Hon. Mr. Royal who, on the 26th April, 1875, submitted to the legislative assembly: "An act to amend the act establishing a system of education in the province." This

bill, as former ones, was submitted to parliamentary debates and it was voted in both Houses, who retained its distinctive character in harmony with the ancient practice, a practice guaranteed by the Manitoba act, such as understood at the time of the negotiations at Ottawa in 1870.

It is during the administration of Hon. Mr. Morris, and in 1876, that the abolition of the legislative council took place. The minority feared the consequences of this measure; on the other hand the government of Ottawa had put it as a condition *sine qua non* to the better terms asked for by Manitoba. The English members of the legislative assembly seeing the hesitation of their colleagues, wanted to reassure them and bound themselves in honor not to take advantage of their numbers and to respect in the future, as in the past, what had been so dear to the minority, its schools and its language. Surely they could not promise in an absolute way for those who would succeed them, but they promised all they could do in affirming that their promises would be respected by those with whom they were in community of language and origin. Some of those who made such promises did not always respect them; on the other hand, among those who gave such assurances was one who has been true, even unto heroism, to his word of honor, I allude to Mr. W. F. Luxton, formerly of the Manitoba Free Press.

Hon. Mr. Morris had kept such a precious souvenir of his success in universities, specially in that of McGill, that he was much pre-occupied with the establishment of a university in Manitoba. He understood that, to succeed in his scheme, which many thought to be premature, it was necessary to profit by all the elements that could be disposed of. Uniting with other friends of education, he adopted the idea of a university, which would be as the natural complement of our provincial system of public instruction, and that could be acceptable to the different classical colleges already established in the province.

Hon. Mr. Royal who had had so large a share in the preparation of educational laws, was asked by the lieutenant-governor to render the same help to the cause of the university: on the 1st February, 1877, he set before the legislative assembly: "An act concerning the creation of a university in Manitoba." A few amendments rallied all the suffrages; the bill was unanimously voted and then sanctioned by the lieutenant-governor, who had so much desired its passing. Manitoba was thus endowed with a university whose basis and action elicited the warmest acknowledgment on the part of the governors general who visited the country and of many other authorities in the matter.

### 3.—THE THIRD LIEUTENANT-GOVERNOR OF MANITOBA.

The Hon. Joseph Edouard Cauchon was placed at the head of the administration in the province of Manitoba in December, 1877. His political career had been very remarkable. For more than thirty years he was a prominent figure in the different Canadian parliaments; he had been a minister of the state at different epochs and under several regimes. He was over 60 years of age and had fought many hard battles when he was called to rest in the calm of the atmosphere enjoyed by a constitutional lieutenant-governor. In his new situation, Hon. Mr. Cauchon acted with so much moderation and impartiality that he gained the esteem of all, even of those who had dreaded his appointment as a governor. His strong studies and his experience in constitutional laws had given him much authority and prestige. This advantage he used to give to the Manitoba act an interpretation in conformity with the idea that had originated it.

Mr. Cauchon was in Ottawa at the time of the Red River troubles, of the negotiations and of the admission of the new province into Confederation. He followed all these questions with great attention and interest. He had taken part in the solution of the irritating question of separate schools in Ontario, as well as in the peaceful arrangement of those of Quebec. He had his share in the debates that agitated Canada concerning the schools of New Brunswick. Many a time did he speak to me, as well as to others, of the important service he congratulated himself having rendered to the government of Hon. Mr. McKenzie by a suggestion that saved the government from an adverse vote in relation to the schools of New Brunswick. Mr. Cauchon claimed for himself the paternity of the resolution moved by Mr. McKenzie before the Commons to refer this difficult and important question to the judicial committee of the privy council in England, and thereby be delivered from the danger that threatened the existence of his Government. Many friends of the Catholic schools of New Brunswick did not see the danger which would be the consequence of the resolution and for some reason or other it was carried by the majority of the Canadian parliament. The government was saved but the schools were sacrificed. Mr. Cauchon, in relating what he considered as a clever political manoeuvre, added: "That was possible in New Brunswick because there was no law protecting the Catholic schools, but the question here is very different, as the law of Manitoba and the conditions of the entry of the province into confederation safeguard the schools we possess." The opinions of Mr. Cauchon as to the interpretation of the Manitoba act were put to a test in the course of his administration. General elections took place in December, 1878;

during the electoral campaign, the enemies of the government attacked it, with regard to printing in the French language. The premier did not forget his promises nor the prescriptions of the constitution, he faced the storm and in spite of it was re-elected and maintained in power. On the other hand the Opposition was strengthened by new men who surely were not without ambition.

On that 1st of February, 1879, the third parliament opened its first session. On the 7th the legislative Assembly was adjourned until the 8th April and on the 8th April it prolonged this adjournment until the 27th May. During that suspension of the debates the governor was absent. The premier and his colleague, Hon. Mr. Royal, went to Ottawa where they obtained many advantages for the province. The lieutenant governor, on his arrival, heard of the commotion that had agitated his government during the last day of his absence. In fact on the 27th May the house was reopened and on the 29th the Hon. Royal and Delorme had left the administration; the premier, as well as his partisans of English origin had passed to the opposition and determined to care no more for the French element. I allude to these parliamentary incidents only to show more clearly the true interpretation of the clauses 22 and 23 of the Manitoba act. On June 11 the government laid before the House a bill intitled "An Act Respecting Public Printing." Under this anodine title the bill contained dispositions contrary to the constitution. On June 17 two members of the government moved for its second reading; then the Hon. Royal, seconded by Hon. Delorme, moved the following amendment:

"That, whereas, the keeping of the public records of the province of Manitoba, in both the French and English languages, is a part of the written constitution of Manitoba, which was obtained by the people of the country and granted by the Dominion of Canada under the sanction of an Imperial act; and

"Whereas, all the members representing the English-speaking electoral divisions, being the majority in the provincial legislature, have lately entered into a certain political compact, chiefly to carry out certain radical measures calculated to annihilate the legitimate influence of the oldest, and to-day one of the two principal elements of the population of the province; and

"Whereas, under the fallacy of economy, the so-called English party have, in the same compact, determined upon the abolition of the printing in the French language of all the public documents, except the statutes of the province; and

"Whereas, such a measure will have the effect of depriving an important part of Her Majesty's loyal subjects in Manitoba of one of the rights and privileges granted by the Manitoba act most dear to them; and

"Whereas, the majority of the present members of the executive, with the premier and his supporters at the general election held last winter, declaimed against the injustice of the proposed abolition, and he and all his colleagues were elected despite the opposition of those who called for the abolition of the French printing;



"That it be resolved that the bill for the consideration above mentioned be not now read a second time, but that it be read this day six months."

The debate on this amendment was lost by a vote of twelve to six; the original vote was carried on division, and the bill was read for the second time, referred to the general committee, and on the 20th June read for the third time. This success did not last. On the 25th June, his honor the lieutenant-governor took place on the throne of the legislative assembly. The clerk read the titles of the bills which the lieutenant governor assented to in the name of her majesty; but when it came to the "Act respecting Public Printing," he by the governor's command said: "His excellency the lieutenant-governor doth reserve this bill for the signification of the pleasure of his excellency the governor-general."

The reason of this action of the lieutenant-governor was that the bill was a flagrant violation of the twenty-third clause of the Manitoba Act, which says, concerning the use of the French and English languages: "Both those languages shall be used in the respective records and journals of the houses. The Acts of the Legislature shall be printed and published in both those languages."

The governor-general never assented to this act reserved for the signification of his pleasure. In Ottawa, the authorities decided as Mr. Cauchon, that is to say, that a law contrary to the Manitoba Act could not be sanctioned. The members of the Federal cabinet remembered 1870 and wanted to respect the promises given and the assurances so explicitly expressed.

The lieutenant-governor was not blamed, but only his legal advisers who asked for an illegality. The authors of the bill had the confusion to see that its entry should be refused in the book of statutes. The lesson given to them was such that not long afterwards they were obliged to abandon the hostile tactics to which they had had recourse. The premier asked for the help of the French element, called on one of them to join his cabinet and that little cloud vanished before the wind of the true interpretation of the Manitoba Act and calm reigned again for ten years.

Some of those who attacked the uses of printings in the French language would have more willingly attacked our schools if they had had the least hope that this violation of the Manitoba Act would have any chance of success, nothing was done in this way.

Immediately after having refused his assent to the bill the governor said in his closing speech. "The increased appropriation for educational purposes, has my hearty approval, and will be expended in more largely aiding the settlements of the province in maintaining public schools." It is well known that the public schools here mentioned meant Catholics as well as Protestant schools.

The Hon. Mr. Cauchon never concealed his ideas; he positively affirmed that he would do for the schools either Catholic or Protestant, what he had done for the printings in the French language, because in his opinion the law was as clear in one case as in the other and the constitution safeguarded the denominational schools as well as the use of the two official languages. One must not therefore be astonished if under Mr. Cauchon's administration, the province passed the "act of the schools of Manitoba, 1881." This act is like a consolidation of all laws promulgated until them on education, taking advantage of the experience of ten years and of the modifications found necessary on account of changes in the country. Let it be well remarked that this experience of ten years that these changes instead of modifying the principal character of our school system served only to confirm and strengthen it more and more.

After 1881, the system was the same as before, one as a whole and in its source, but furnishing two streams, perfectly distinct running towards the same point, that of giving the best education possible to the children in accordance with the views of their parents, and without violating in any way their religious scruples.

In the month of May, 1882, the lieutenant-governor assented to a new law, which was, I may say, the complement of our system of elementary education. This new statute was intitled: "An act to establish normal schools in union with public schools."

This law authorized both the Protestant and Catholic sections of the board of education "to establish in connection with the Protestant public schools and with the Roman Catholic public schools, normal school departments."

There again the fundamental principle was safeguarded and after the union "new rights and privileges" were given to the minority as well as to the majority of the Queen's subjects in matters of education.

#### 4.—FOURTH LIEUTENANT GOVERNOR OF MANITOBA.

In December, 1882, the Hon. James Case Aikins was appointed governor of Manitoba. More fortunate than his predecessors he found the organization of powers and public interest enough advanced to exercise his functions while resting upon the responsibility of his ministers.

The Manitoba act was understood; the attacks directed against its true interpretation had failed at the foot of the throne; those who had thought themselves able to make such an attempt had been forced to abandon it. The use of the two official languages, the working of schools in harmony with the views of both sections of the population, all this had contributed to render to the fertile plains of the Red River valley the quietude and contentment its inhabitants had formerly enjoyed. The

administrative schemes of Lord Selkirk, maintained by the Hudson's Bay Company, guaranteed by England and Canada and supported by the laws of Manitoba had succeed in establishing peace and harmony. To prove this assertion I can quote the testimony of one whose mention on the subject may be a surprise.

In 1882, Rev. Dr. G. Bryce wrote a book entitled "Manitoba, its infancy, growth and present condition."

The one who to-day shows himself as the most active and impetuous partisan of subduing Catholics in matters of education, contrary to views clearly manifested by Lord Selkirk, this same one has not always thought and written as he now does. On page 351 of his book we read the following passage.

"RELIGIOUS ADVANTAGES."

"Lord Selkirk's scheme of perfect religious equality and toleration is that still subsisting in Manitoba. One of the results of this is a friendly feeling subsisting between the different churches. Denominational rancour is one of the greatest hinderances to progress in a new country. It is satisfactory that there is no bone of contention to disturb the prevailing harmony. No church is given any place of precedence, except what its own energy and usefulness to the community at large secures for it."

What a pity that this most learned doctor did not persevere in so just an appreciation of what can assure the social happiness of the country! What a misfortune that he has thrown into the midst of our population, what he so properly calls "a bone of contention to disturb the prevailing harmony." But let the incomparable doctor analyze his bone. Who knows, it is perhaps a relic of an immense ethnographic value unearthed since 1882, in exploring some Indian mound.

Before the last evolutions as to education we had peace. The happy dispositions of Mr. Aikins could but contribute to the maintenance of the harmony which he greeted with pleasure on his arrival at the head of the administration. His experience, aided by a calm and sound judgment could only cause him to appreciate favorably the state in which he found the province. Hon. Mr. Aikins was in parliament since 1854. He had been a member of the assembly and of the legislative council in United Canada. At the time of confederation he was called to the senate, and named secretary of state of the First Federal Cabinet. He was a member of the administration at the beginning of the Red River difficulties, when the Manitoba Act originated and was voted; he understood its scope and signification. He often affirmed that it was well understood that this act assured to the Catholics as well as to the Protestants, schools of their own choice, and in accordance with their religious convictions.

To the department of Mr. Aikins was entrusted the administration of the lands of Manitoba and the Northwest. It was there that, in 1872, the eighteenth part of

the public lands was reserved for the schools.

Hon. Mr. Aikins, as well as his chief and his colleagues, well knew that the schools were then Protestant and Catholic, and all on the same footing before the law; that, consequently, the rich endowment made to those schools was for the benefit of both, and that without violating in any way religious scruples.

True it is towards the end of his career as governor, Mr. Aikins witnessed political commotion, but religious or national discord had nothing to do with the occurrence; so that they did not strike deep enough to leave behind them the disagreeable results which have happened since.

Unlike his predecessors, Mr. Aikins had not to battle against false interpretations of the Manitoba Act, but should he have had an occasion to do so he would surely have followed their example, for he partook of their views and the school laws amended under his administration kept their character.

It is in the calm and assurance of good will that the third phase of the schools of Manitoba ended, this phase lasted for eighteen years.

The history of the facts I have related proves what follows:

1. During this period four lieutenant-governors were at the head of the administration of the province. All were men of experience, had been ministers of state and occupied other important positions, both provincial and federal.

2. The Hon. Archibald, Morris, Cauchon and Aikins were in the parliament and two of them in the cabinet of Ottawa, at the time of the Red river troubles, of their pacification and of their ending by the negotiations which determined the Manitoba Act and the entry of the province into Confederation.

3. The four first governors all interpreted the Manitoba Act in the same way in the sense of sure guarantees.

4. These governors thought that denominational schools, in use at the time of the union, should be respected, because they were guaranteed by the constitution and when needed, they directed the provincial legislation in this sense, explaining to those who did not understand it, the apparent ambiguity of the law.

5. The same governors always read in French and English, their speech of opening and closing of the parliament, and knew that no hesitation could be had as to the official use of the French language. The 23rd clause gives the privilege of using this language in the parliamentary debates and in the courts, but imposes the obligation of publishing in both languages "the records, journals and acts of the legislation."

6. An attempt, made in 1879, to take away a part of the printing in the French language, the representatives of the Queen, both in Winnipeg and in Ottawa,

refused their assent to this unconstitutionality.

7. In 1872, that is to say, immediately after the establishment of schools, having the privilege to be either Catholic or Protestant, the Federal parliament endowed the schools of Manitoba and of the Northwest in putting aside for them the eighteenth part of all public lands of the Do-

minion, and this without restriction or exclusion.

8. The law of Manitoba, explained and applied in this way, brought back peace and harmony to the different classes of persons composing the province, and that peace and harmony were maintained during this whole third period of the history of our schools.

#### *IV. Fourth Phase.*

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Manitoba inaugurates a System  
of Schools that may please the  
Majority but offends the Re-  
ligious Convictions of the  
Minority.

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( See next page. )



## FOURTH PHASE.

The above title shows well enough the nature of the new evolution of the Manitoba schools. I need not state to the reader that it is with great grief that I write what follows.

For seventy years the country had denominational schools; these schools had caused much work, pre-occupations and sacrifices, but no human will had opposed them. On the contrary all public powers had been unanimous in recognizing their utility and in helping them. The founder of the colony of Assiniboia; the Hon. Hudson's Bay Company, the governors named by the latter; the colonial council, the governors appointed by the crown; the Imperial and Federal authorities; six parliaments of Manitoba under four governors; all, without exception, for nearly three-quarters of a century had recognized and helped schools in which the faith of children was not exposed to the dangers of interference or seduction.

And why not mention it? The cause of Christian education in Manitoba and the Northwest was the object of my aspirations and my life during forty-five years. It is to that sacred cause that I vowed all my energies and all the resources of which I could dispose. My only ambition was to help to enlighten and improve, and for this give to childhood and youth an education, which, while assuring them the advantages of human knowledge guaranteed them also, as much as possible, the formation of the heart and will, aspiration to things above earth, dependence to God, submission to His holy will, all that sacred code without which the rest is vain, futile, and even dangerous. I need not then repeat that I feel deeply grieved while writing the history of the fourth phase of our schools, a period during which, difficulties, until then unknown, have been thrown in the way; obstacles, hard to conquer, have been multiplied in order that the population under my pastoral care might not have schools; that at least, it might not have them without great difficulties, and this is in order to force that population to accept a system it cannot admit and which is a real danger for a great number of its children.

I so much the more hesitate to write, that this phase of the history of our schools is mixed with proceedings and acts which I reprobate, although they are done by men whom I would desire to respect, on account of their exalted position. They themselves cannot be astonished that I speak of what they have done and of the manner in which they have acted. The seriousness of the question indicates sufficiently that the grief experienced will not cause me to abandon the gravity of language with which it should be treated.

I could have assigned a more remote date to the changes to which the school law will be submitted: nevertheless, I place the

origin of this phase at the beginning of 1888, because the events that then happened must be known to help in understanding what followed, not as a natural consequence, but because some had wished that it should be so. In writing this fourth phase of the history of our schools, I will indicate:

The promises that should have prevented the change. The incidents following these promises. The manner in which they were violated.

## 1. PROMISES OF MAINTAINING THE SCHOOLS AS THEY WERE.

In 1887 the legislators of Manitoba passed statutes relative to the construction of different railways, among others the one called Red River Valley railway, that was to connect Winnipeg with lines in the United States at a point of the boundary line between Pembina and West Lynne. In the mind of the legislature and of the people this new railway, offering more facility for the export of the products of the province, could only be advantageous, and this advantage should not be restrained by the monopoly guaranteed by the charter of the Canadian Pacific railway.

The Federal government thought itself bound to disallow this provincial statute; this disallowance provoked great discontent in all the country. The legislature was unanimous in expressing this dissatisfaction in a petition addressed to the Queen-in-council. Mr. Norquay, who was the promoter of the disallowed measure, who with his vigorous arm had turned the first sod inaugurating the work—Mr. Norquay, premier—was the first victim of the discontent excited by the disallowance.

Having been unsuccessful in his effort to carry out his scheme at Ottawa, he gave in his resignation as chief of the cabinet. His colleague, Mr. LaRivière, did the same, and both gave their support to Dr. Harrison, who had undertaken the ungrateful task of maintaining the administration in the midst of the difficulties by which they were surrounded on account of the disallowance, for some would not believe that the steps taken by Mr. Norquay and his colleagues both in England and in Ottawa could bring about a favorable solution.

The opposition acted in such a way that the blow given to the Hon. Norquay might also attack his colleague and successor Dr. Harrison. But one obstacle was in the way of the hopes of the opposition, calling itself the Liberal party. The chiefs were accused of being hostile to Catholic schools and the official use of the French language; they were interested in dissipating this impression and in giving positive assurances of their good will as to these two points, so dear to the population of French origin. To remove all doubt as to the facts I am about to relate, I will make a long quotation that will describe them in their true light and this

not only by eye witnesses, but by persons who have taken an active part in the facts they themselves mention. The first quotation is taken from a speech made before the legislative assembly of Manitoba in Winnipeg, on the 2nd of March, 1893, by Mr. James Fisher, member of the provincial parliament. The reading of this fine piece of eloquence tells sufficiently the frankness, the legal and political knowledge of the gentleman who pronounced that address to which no one answered. Mr. Fisher spoke in the following terms concerning the promises made by the Liberal party and its chiefs, when power smiled on them:

#### PROMISES OF THE LIBERALS.

"I now desire to speak of a delicate matter, which may be somewhat distasteful to some who hear me, but I am bound to tell the truth, even if it may offend some. I make the grave charge that this school legislation was put upon the statute book of this province in defiance of the most solemn pledges of the Liberal party. In January of 1888, an event occurred which brought the Liberals into power in this province. My hon. friend had for years been engaged in an effort to defeat the Norquay government, in which I helped them all in my power, because we felt that it would be to the advantage of the province to have a change. The crisis came when the St. Francois Xavier election took place at the time I have mentioned. Dr. Harrison was at the time premier of the province, and he chose as his provincial secretary Mr. Joseph Burke, who, though he bears an Irish name, is really a French Canadian. He was living among his own people in the district of St. Francois Xavier, and had been elected as a member of the House in 1886 by acclamation. On accepting the office he went back for re-election. It was proposed that we should oppose him, though for myself I thought it was useless. Mr. F. H. Francis, an English speaking presbyterian and a son in law of the late Rev. Dr. Black, the great pioneer Presbyterian missionary of this country, was asked to take the field against Mr. Burke in this French constituency. He could not possibly be elected, unless he got a large proportion of the votes of the French population. Without this, I say, his election was an absolute impossibility. Now, I state, on information and belief, that Mr. Francis when consulted by leading members of the Liberal party and asked to accept the nomination, he said he would not accept unless empowered to give the electors a pledge that if the Liberals got into office they would not interfere with the institutions of the French, their language or their school laws. I am informed that he was authorized to make that promise, that he went to the electors and gave them the pledge. I did not know that of my own knowledge

but I knew from the newspaper reports and from information brought to the Winnipeg Liberals that strong speeches were being made by Mr. Burke and his friends in the riding, calling upon half-breeds and French Canadians to vote against the Liberal candidate on the ground that Liberals would likely pass laws interfering with their institutions. It was said, "are you going to put into power people, who, when they get into office, will legislate away your schools and your language," and the electors were appealed to oppose Mr. Francis for that reason. This became practically the leading question of that campaign, and the contest was a crucial one. Should the Liberals win, it was plain, in view of the losses sustained by the government, that they must resign. So that the success of the Liberal candidate meant that the party would at once attain power, while the election of Mr. Burke would almost certainly have ensured the continuance of the Liberals in opposition till this day. It became necessary for the party leaders, therefore, to meet this appeal to the religious and race feelings of the French and half-breed voters, the pledge given by Mr. Francis appearing to be insufficient to satisfy them. Now, the Liberals had a defined platform, and their views were well understood. Personally, I knew well what our policy was. Perhaps no one, apart from Mr. Greenway and Mr. Martin, was in a better position to know fully our attitude on these questions. There was no doubt about that attitude. There is no doubt we were denouncing the abuses of the Norquay government with regard to the French printing, the large amount of money expended, and the Liberals were determined, if the party came into power, that they would do away with those abuses; but the idea of interfering with rights guaranteed, or supposed to have been guaranteed, by the constitution, had never been suggested. On the contrary, it had frequently been pointed out on the public platform by Liberal leaders that the institutions were protected and that our remedy was in correcting abuses and not in abolishing institutions. It was promised that the expenses arising from the use of the French language would be cut down and the grant for education increased. No one had ever asked or suggested that we should go a step further. When the question about the Liberal policy became so prominent and urgent in St. Francois Xavier, I was consulted, with others, about it, and Mr. Martin was asked to go out and assist the candidate. I was told that he went out and attended a meeting, and I was told of promises he had publicly made, which were, to my knowledge, in accord with what was intended he should make. I went with him myself to a second meeting. It was a large gathering, mainly composed of French and half-breed Catholics. The same charges were made

by Burke as to what the Liberals would do if in office. The same appeals were made to his countrymen and co-religionists to defeat Mr. Francis for that reason. Mr. Martin, in a powerful speech, denounced the statements of Burke and his friends as false. He told the meeting that it had never been the policy of Liberals to interfere with the language or institutions of the French Catholic population, and he appealed to them to trust the Liberals, and to support their candidate. At that time I was president of the Provincial Association of Liberals, and Mr. Martin referred to my presence at the meeting, and said I could put him right if he was wrong. He went further, and not only said Liberals had no idea of interfering with their institutions, but he gave a positive pledge, in the name of the Liberal party, that they would not do so. I have always thought that the movement to establish the present school law, abolishing all Catholic schools, against the strong protest of the minority, was under the circumstances, and in the face of that promise, a gross wrong. Personally I made no promise, I felt as much bound by the pledge given as if I had given it myself."

#### CHANGE OF GOVERNMENT.

On the 12th January, the second session of the sixth parliament of Manitoba was opened by the speech from the throne from which I quote the following:

"Since the last session of the legislature certain acts have been disallowed by the governor-general, viz.: . . . and Red River Valley railway. . . . This use of the veto power by the governor-general is deeply to be regretted, and in order to prosecute the work for the completion of the Red River Valley railway, further legislation will be necessitated, which will be promptly submitted for your consideration." We see that this speech from the throne prepared by Dr. Harrison and his colleagues, was a challenge to Ottawa, and this challenge came from politicians who had always called themselves Conservatives and favorable to the government of Sir John A. Macdonald. It was too late to save them. The election of St. Francois Xavier had caused the balance to fall in favor of their adversaries, and that owing to the promises made in St. Francois Xavier as given in the speech of Mr. Fisher.

On the 14th Hon. Dr. Harrison tendered his resignation, and it was accepted. Mr. Greenway was called upon to form another administration. He immediately chose Hon. Joseph Martin as attorney-general; the same man whose promises explicit and positive, made in St. Francois Xavier, concerning the schools and French language, had assured the triumph of his party.

The house was adjourned to the 1st of March. During the vacation Hon. Thos. Greenway, was busy in forming and strengthening his administration, with-

out changing in any way the promises made by his attorney general.

Following his own convictions and the advices of his friends the new chief of the cabinet thought it proper to give some guarantee in order to dissipate the rumors put into circulation by fear or malevolence. He himself wished as the chief of the administration, to give the formal assurance that his government would do nothing either against Catholic schools or against the official use of the French language or even against the number of representatives of the French element.

Hon. Mr. Greenway, whom the Archbishop of St. Boniface had not the honor to know, paid a visit to the prelate in his house. The archbishop was sick in bed, not being able to receive, he was informed of the visit and of its object, only after the departure of the honorable visitor. However, here is what happened on this occasion and the report of what took place is contained in two solemn declarations, specially made to establish the truth of the facts by two men who were with Mr. Greenway, the Rev. Father Joachim Allard, my vicar general, and Mr. W. F. Alloway, banker in Winnipeg.

#### PROMISES OF THE HON. THOS. GREENWAY.

Manitoba, County of Selkirk, to wit:

I, the Very Rev. Joachim Allard, O. M. I., of the town of St. Boniface, in the province of Manitoba, vicar-general of the arch-diocese of St. Boniface, do solemnly declare:

I am now, and was during all the year of our Lord one thousand eight hundred and eighty-eight, the vicar-general of the said arch-diocese of St. Boniface, having my residence in the episcopal residence at St. Boniface.

I distinctly remember that during the early part of the said year of our Lord one thousand eight hundred and eighty-eight, the Hon. Thos. Greenway, with whom I was not then personally acquainted, called at said episcopal residence in St. Boniface in the company of Mr. W. F. Alloway, whom I personally knew, and the said Mr. Alloway then introduced the said Hon. Thos. Greenway to me, and the said Mr. Greenway then stated to me that he had called to see his grace the archbishop personally, touching a confidential matter. His grace was then sick and confined to his bed, and I so informed the said Mr. Greenway and stated to him that, as the vicar-general of his grace, I could receive any confidential communications and communicate the same to his grace; and I then assured him that he could rely upon my discretion in any confidential communication that he wished to make and that his grace the archbishop would also respect his confidence.

The Hon. Mr. Greenway then stated to me that he had been called to form a new government in this province, and that he was desirous to strengthen it by taking into his cabinet one of the French members of the legislature who would be agreeable to the archbishop, whereupon I remarked that I did not think that his grace would favor any French member joining the new administration unconditionally and without any previous understanding as to certain questions of great importance to his grace. Mr. Greenway replied that he had already talked the matter over with his friends and that he (Mr. Greenway) was quite willing to guarantee, under his government, the main-



tenance of the then existing condition of matters with regard—

1. To separate Catholic schools.
2. To the official use of the French language.
3. To the French electoral divisions.

I received the assurances of the said Hon. Thomas Greenway as above stated to me, and I promised him that I would convey the same to his grace the archbishop, and I further told him that I believed his assurances so made would give great satisfaction to his grace.

The said Hon. Thomas Greenway then proposed to come again on the following day to receive an answer as to the nomination of the French member of his cabinet: but I told him that I would not put him to that inconvenience; but that I would meet him in Winnipeg on the following day for that purpose and it was then agreed between myself and him that such meeting should take place on the following morning in Mr. Alloway's office, at the hour of nine o'clock. This finished the first interview I had with the said Hon. Thomas Greenway.

During all the time that elapsed between the introduction of Mr. Greenway and the end of said interview, as above set out and his departure from said residence on that day, Mr. W. F. Alloway was personally present and heard all that took place between the said Hon. Thomas Greenway and myself as above stated by me. In pursuance of my promise, I, on the said day of the interview, visited his grace the archbishop in his bedroom and reported to him fully and faithfully what had taken place at said interview.

His grace expressed his satisfaction and instructed me to answer the Honorable Thomas Greenway that he would throw no obstacle in the way of his administration, and that I could say to him that his grace would have no objection to Mr. Prendergast being taken into the new cabinet as a French representative, and his grace particularly requested me to convey to Mr. Greenway the satisfaction given to him by the assurance and promise made to me by the said Mr. Greenway.

On the following morning, in pursuance of the appointment so made, I attended at the office of Mr. Alloway in Winnipeg, and then, again, met the said Hon. Thomas Greenway, and I then communicated to him the message of his grace, so entrusted to me as above set out, and Mr. Greenway then expressed to me his personal gratification at the said message and attitude of his grace, and he then assured me that faith would be kept by his government with his grace; and, then again, and in specific terms repeated to me the assurances that—

First—The Catholic separate schools.

Secondly—The official use of French language.

Third—The number of French constituencies would not be disturbed during his administration.

I had promised not to violate the confidence of the hon. Mr. Greenway by disclosing the particulars of said promises and assurances by the said Mr. Greenway on the floor of the legislature, notwithstanding that he had violated the terms of same before that time, and but for such open denial by him of such promises and his misstatements of what took place, I would not have felt at liberty to now disclose the same.

Mr. W. F. Alloway was present at his office during the second interview with said Hon. Thomas Greenway, as above set out, and remaining in the room where we were closeted during much of time during which said second interview lasted.

And I make this solemn declaration conscientiously believing the same to be true and by

virtue of the act respecting extra judicial oaths.

(Signed.) J. ALLARD,  
O.M.I., V.G.

Declared before me at the town of St. Boniface, in the county of Selkirk, this 1st day of April, A.D., 1892.

(Signed.) ALEX. HAGGART,  
Commissioner in B.R., etc.

Manitoba, county of Selkirk, to wit :

I, William Forbes Alloway, of the city of Winnipeg, in the county of Selkirk, banker, do solemnly declare that I have seen and read the statutory declaration of the Very Rev. Vicar-General Allard, made before Alexander Haggart, a commissioner of B.R. etc., on this 1st day of April, A.D., 1892, and I say that I was present as therein stated by him, and I did on said first occasion introduce the Hon. Thomas Greenway to the vicar-general, and I say that the account of said interview, as set out in said declaration of the vicar-general, is true in substance and in fact.

I was present at the whole of the said interview, and heard all that transpired between the vicar general and said Thos. Greenway.

I further say that I was present at my banking office on the following day, when the vicar general and the said Hon. Thomas Greenway met according to appointment made the day previous, and I heard most of the interview that took place between them on that second day, and I say that the promises and pledges as set out in the vicar general's said statement were repeated on the said second interview, and the said Greenway then expressed himself as very much gratified with the attitude assumed by his grace, the archbishop, towards his government, and expressed such satisfaction not only then but in my presence afterwards.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the act respecting extra judicial oaths.

(Signed.) W. F. ALLOWAY.

Declared before me this 1st day of April, A.D., 1892, at the city of Winnipeg, in the county of Selkirk, aforesaid.

(Signed.) J. STEWART TUPPER,  
A Commissioner in B. R., etc.

What preceeds shows clearly that the chiefs of the opposition got into office only by promising, in the most formal and positive manner, the maintenance of the official use of the French language and of the Catholic schools as they then existed and with the help they received. Moreover, it is also very sure that the Hon. Thomas Greenway, himself, before completing his cabinet, gave repeated assurances and promises as formal and more explicit than those of his lieutenant, Hon. Joseph Martin, on the same subject.

## 2. INCIDENTS WHICH FOLLOWED THOSE PROMISES.

The epoch which I consider as being the fourth phase of our schools has been very fertile in events of every kind, and has enriched our annals with the most multiple and varied incidents.

During the first eight months of 1888 there were no less than three convocations of the legislative assembly. The first was on the 12th January, and it was for the second session of the sixth parliament. The seventh parliament having been elected it was convoked for the 28th of

August and recalled for its second session on the 18th of November. During these few months the lieutenant-governor had to ascend his throne not less than ten times; to read three speeches of opening, three of closing and moreover give his assent to different measures at four different times. There were no less than eight prorogations and the dissolution of the sixth parliament after its second session. The three sessions taken collectively occupied two hundred and sixty-four days, in the course of which there were but seventy-seven consecrated to meetings, and this, in counting those during which the Speaker was alone and had to adjourn himself. Therefore the legislators sat for only seventy days. Nevertheless much work was done, for the lieutenant-governor assented to ninety-five new measures.

Among these measures three were to amend the school acts. It had been promised to respect their distinctive character and this was done. The amendments are specially on administrative matters; for an instance, the government took away from the board of education all pecuniary responsibility; it constituted itself the treasurer of the board and would pay itself all accounts. It is easy to see that this was centralization with a diffidence, which, besides was clearly expressed. The board, accustomed to certain courtesy, could not help seeing immediately that it had come under an absolute regime, and that it was governed by men whose distinctive character was not civility. Whatever may have been the mode employed, in this there was no question of principle and the Catholic section showed no opposition.

#### ELECTORAL ANIMOSITY.

The elections were not an unknown thing during this short period. Besides eight partial elections there were general elections for the thirty-eight electoral districts which had been created by redistribution during the second session of the sixth parliament. Those elections were so favorable to the new Government that we may nearly state that they were pernicious to them. Ten among the leaders and partisans were elected by acclamation; twenty-three others obtained their seats at the polls and the Opposition numbered but five members. This was a dangerous success for men who were not accustomed to triumph and power; the completeness of the first inspired the absolutism in the second. Strange to say, and this proves that extremes meet; irritation seized upon them and they swore revenge as if they had been beaten. Although the opposition was small it had manifested and affirmed itself in the contest that had taken place in twenty-eight electoral divisions. In the six French districts there had been one election by acclamation in favor of the government, and in the five others four government

candidates were elected. Nevertheless, the government had been hurt by what had been said and written on the occasion, and it thought of vengeance. I had always refused to believe the rumors that circulated concerning this, when my assent was given to them on a testimony which I cannot challenge.

I profit of this circumstance to give my opinion as to elections. With a constitution like ours the vote of the electors must be free, and if in five out of the six electoral divisions the suffrages have not been unanimous, the adversaries of the Catholics should see in that a proof of the liberty of action of electors among us.

As to the hard things which were said to have been spoken or written, I do not know them. If they have taken place I cannot do otherwise than blame them and blame them so much the more as they are of a practice unfortunately too common during elections in Canada; this goes so far that, for my part, I cannot help being grieved by it. I dislike reading in the newspapers articles concerning elections to avoid the regret of finding the abuse they too often record, and which, if they were true, would prove that all our political men are, often all and without distinction, a band of criminals unworthy of the least confidence. No, I am not a partisan of such tactics, I repudiate them as much as I can and on all occasions; but I confess that I find childish the attitude of those who, notwithstanding their custom of abusing their adversaries, are angry and swear vengeance because four of their candidates were opposed and yet were victorious. I confess that I consider as more chivalrous, in its sort, the conduct of one of our late governors whose pen was too often dipped in gall against his adversaries. One day while believing he had excelled in this practice he was fully repaid with his own money and seeing, on the other side of the street the man who inflicted upon him such a chastisement, he crossed the road, affectionately shook hands with him saying: "This time you have paid me well, but let us not forget that we are old friends."

A general election took place in January 1889; I was sick in Montreal, some telegraphed from Ottawa to Winnipeg that the archbishop of St. Boniface forced the Federal government in favor of a candidate who surely had not the sympathies of the Manitoba government. The news was entirely false from the first to the last word, but like all other lies it had its effect and strengthened the determination to make the Catholics pay for the supposed fault of their bishop. Positive and sure testimonies are required to believe such things and had I not such testimony I would have considered those rumours as unworthy of credit.

#### INTERPROVINCIAL CONFERENCE.

The disallowance of a railway act had had a great result in this country, but one

must not believe that the excitement raised by this federal veto extended to every possible disallowance. The Greenway government itself gives the proof at least implicit that it was not so. On the 7th May, 1888, the premier, seconded by the hon. attorney general, moved what follows: "That this house approve the resolution of the interprovincial conference held in the city of Quebec, October last," and the next day the resolution was adopted by a strong majority.

In this conference of Quebec, the premiers of the five most ancient provinces of the Dominion, with the aid of fifteen of their colleagues, had made a special study of the British North America Act, 1867, in view of asking amendments from the Imperial parliament on certain points. "Twenty years of practical experience had shown causes of conflict between the government and the legislatures of the Dominion and of the provinces; grave omissions had been discovered in the dispositions of the act; several ideas generally admitted and understood were not expressed and the true meaning and intention of several important dispositions of the act were obscure."

In this examination of the constitution of the country the twenty statesmen, assembled in conference, pointed out seventeen points to which could be applied some of the inconveniences already mentioned and concerning which they thought "that the constitution ought to be amended and revised in order to preserve provincial autonomy so essential to the future prosperity of Canada." Let it be well remarked, in this elaborate work of the twenty learned members of the conference, not a word was said concerning the French language or the separate schools. Consequently, in the mind of Hon. Mowat, Mercier, Fielding, Blair, Norquay and other representatives of the five provinces, there was nothing to be amended, no danger to be feared against the autonomy of the provinces, in the dispositions of the British North America Act 1867, in the use of the two official languages as well as in the maintenance and defence of separate schools.

Then, Mr. Greenway, his government and the parliament of Manitoba, while adopting in 1888 the resolutions of the interprovincial conference of Quebec, recognized, at least in an implicit but very clear way, that the privileges we claim have none of the inconveniences discovered by the representatives of the governments of the five ancient provinces in the seventeen points of the constitution, and also none of the inconveniences they detected in six points of the other Canadian legislations.

#### POLITICAL SCANDALS.

The period of which we speak had very remarkable reactions and antitheses. The Norquay government had been crushed

by a railway; the collision of the disallowance had killed it; the whistling of the steam so compressed had made its acute accents heard in the whole Prairie Province. To those notes already so disagreeable were joined others as false as they were discordant. Scandals, and specially railway scandals, as well as election scandals, are at our epoch powerful tools in politics. It was tried to apply their force to the fallen ministry. Its successors were yet less fortunate. True it is they succeeded in the extension of their line, on placing their demands and so completing the system they had planned; but the scandals! They were profusely published. Let it be well remarked by the reader, if I write the word scandal it is not to join in with those who have said so much about this article, but only to show how much this period of our history has been full of movement and with what rapidity the most contradictory events have succeeded one another. Besides, no one ignores the fact that there have been serious, and very serious accusations made against the government. The tribunals and parliamentary chambers have heard those regrettable things, and for years the newspapers have repeated them—in every shape and form. I simply state, but express no opinion. My taste and studies do not apply to such researches and I prefer to believe that those who governed the public interests do not disgrace their position by acts of vulgar dishonesty.

A few months sufficed to prove that the new administration was abandoned by devoted friends, who, becoming sworn enemies, have prosecuted it without mercy. On the other hand provincial favors (undoubtedly legitimate) made to powerful adversaries, rallied the latter for the support of the Government they had attacked and opposed, so far as to nearly trouble public peace.

Considerable loans granted to our young province the opportunity of spending millions. The joy of some and regret of others can easily be understood; of those who, instead of being admitted to the advantages of the situation had but the cold privilege of increasing the amount of the savings, mentioned in public accounts. This last reflection comes to me by the remembrance of the injustices to which our schools have been victims.

#### CATHOLIC SCHOOLS ROBBED.

A very old story taught in denominational schools, even in Jewish schools, says:

"The rich man had exceeding many sheep, and oxen. But the poor man had nothing at all, but one little ewe lamb. . . . and when a certain stranger was come to the rich man . . . he took the poor man's ewe, and dressed it for the man that was come to him."—(11 Kings, XII.)

As history repeats itself, here is what happened. The Manitoba government had hundreds of thousands, nay, millions



of dollars. Beside and under it was the Catholic section of the board of education, which, by economy and even sacrifice during several years, had a reserve fund in conformity with the law (44 Vic., chap. 4) that said in its 90th clause :

"And each section of the board may reserve for unforeseen contingencies a sum not exceeding 10 per cent. of its share of appropriation."

On July 12, 1889, the hon. secretary of state wrote to Mr. T. A. Bernier, superintendent of Catholic schools, a letter in which he asked for the remittance of the reserve fund and added :

This demand refers only to a detail of internal administration, and in no way to the property of the amount indicated, the amount is decidedly a vested right and will not admit of a doubt at any time."

The superintendent communicated this letter to the Catholic section of the board of education. The following resolution was then adopted :

"In accordance with the desire of the government expressed in the letter of the hon. secretary of state, of the 12th of July, 1889, the Catholic section of the board of education authorizes its superintendent to hand over to the provincial treasurer the sum \$13,879.47, being the reserve fund and the balance of all funds in hand for the schools under the direction of the said Catholic section of the board of education. In remitting that money the Catholic section takes the respectful liberty of observing :

"1. The reserve fund was raised and accrued in accordance with the dispositions of the Educational acts then in vigor in the province :

"2. This reserve has been made possible because the members of the Catholic section not only administered the school funds with the

strictest economy, but also in many instances helped by personal sacrifices.

3. The property of this reserve fund is a vested right to the Catholic schools of the province, therefore those who administered it until to-day are persuaded that the government will not change its destination and will not on that account diminish the ordinary grants in accordance with the positive assurance that the government has given us in the above mentioned letter of the hon. secretary of state.

On the 22nd of July, these resolutions were handed over to the government with the reserve fund. None of the laws then existing authorized the government to take back those funds and the most elementary justice dictated that they should be employed for the benefit of the Catholic schools to which they belonged. The Catholic section of the board of education insisted that this money be distributed to the schools, no account was taken of its just claims; the amount was put with the consolidated funds of the province. The honorable provincial treasurer counted them as one of the savings made by the administration. It was merely and simply an illegal spoliation and a flagrant injustice.

The little ewe lamb of the poor man was fleeced, nothing was left but to "dress it for the man that was come."

If more details were wanted on this question one may consult the letter I have addressed to the Free Press on the 21st of August, 1889, and specially the admirable speech made by the Hon. James E. P. Prendergast before the Legislative Assembly of Manitoba on the 12th of March, 1890, on page 10 of the pamphlet.

### 3. THE WAY THE PROMISES WERE VIOLATED.

It was easy to see that an iron will was the directing arm of the provincial administration, that this will took no heed of obstacles or resistance. I may add that delicacy in choosing forms and means did not seem to be the object of the new Manitoba government. All was absolute. Whatever may have been as to those dispositions, no one expected that explicit promises, given in solemn circumstances, in the presence of numerous witnesses, would be put aside after a few months, especially when we consider that such promises had assured power for the new administration, and that absolutely nothing had been manifested by public opinion, I do not say to justify, but even to excuse in any way the violation of assurances given in the name of the party that wished to be in power and given by the leaders themselves of that party. That astonishing inconsistency, that criminal abandoning of the most elementary good faith, all this was done without cause, without provocation, as without hesitation. It was in the beginning of August, 1889, that the provincial ministers made their debut in that new way of infidelity to promises.

Mr. Dalton McCarthy arrived in the country; he made a speech that should surprise those who pretend that no one in the province of Quebec has the right to speak in favor of the Catholic schools of Manitoba. But it seems that when it is desired to wage war and foment hatred against what is Catholic and belonging to the French language, then everyone has everywhere absolute right. Mr. McCarthy knew his people, he used this privilege to speak to some who would applaud him when he said: "All our energy is needed and let it be well understood that in every electoral division, a candidate, should he be Grit or Tory, Conservative or Liberal, must make an unequivocal profession of faith that his principles must be solid and that no influence from Ottawa will be able to cause him to swerve from such determination." That coalition asked for by Mr. McCarthy was to result in the abolition of Catholic schools, in the suppression of the official use of the French language, and the speaker added: "Greater difficulties will arise in proportion to the strengthening of the acquired rights." The adversary of the Catholics thus recognized that they had acquired rights.

The Hon. Joseph Martin spoke and naturally he should have said: "But I have promised to protect and defend those acquired rights; it is on account of such promise that I am a provincial minister, and even the attorney-general. In honor, in justice, in position, I am bound to respect those acquired rights." But this he did not do. On the contrary he moved that the most heartfelt thanks of the audience

be tendered to Mr. McCarthy for the address he had given.

"He thought that Mr. McCarthy had struck the key note when he said that the questions to which he had alluded should be much considered and carefully dealt with in this the newest part of Canada.

"We must remember as the years roll by, vested interests will accumulate here, and if we are to deal with these subjects at all 'there is no time like the present.'"

"It is not proper to have two kinds of schools. . . . the great argument in favor of separate schools is the pertinacity with which the Protestant element has insisted upon the teaching of religion in the schools, the Roman Catholics could logically say, if religion is to be taught there it must be my religion not yours. . . . the Roman Catholic is perfectly justified in saying, I will not send my children to a school where religion is taught by a Protestant and according to Protestant ideas. If we abolish this iniquity we must say education is to be simply education and religion is to be left for the family and for the church.

"He proposed to take that position in the House, and stand or fall by it. He asked their sympathy and support to settle this question in the early days of the province and to have it disposed of before vested interests arise.

"He said; the Dominion parliament may be against us; the constitution may be against us, but we propose to appeal to the Federal parliament; if not successful there then to the parliament across the waters. As to the schools, if the constitution is against us, we have the right and it is not impossible to obtain from the Imperial parliament an act which shall fix the constitution in accordance with our views and with justice."

This quotation suggests many reflections.

The attorney-general himself acknowledges that Catholics have acquired rights, that they have reason to ask for separate schools as the Protestant element insists upon religious teaching in the schools and that as long as this iniquity is not abolished the Catholic is perfectly right in not subjecting his children to teaching according to Protestant ideas, consequently, he will ask for the pure and simple secularization of the schools, he acknowledges moreover, that he will perhaps be in conflict with the Dominion parliament and the constitution, but that he intends first to appeal to the Federal parliament and then to the Imperial parliament in order that the constitution may harmonize with his views.

Here is another conclusion forced on the reader; Portage la Prairie, where Mr. Martin made the above remarks, is about forty miles from the place in St. Francois Xavier where, in such an energetic way, he had promised to respect and cause to be respected, to maintain and cause to be maintained the Catholic schools and the

official use of the French language. It is an easy task to find how many months elapsed between January, 1888, and August, 1889. No one, perhaps could have suspected that at a distance of forty miles and in an interval of nineteen months, the same man could express views so diametrically opposed.

It is also at the beginning of August, that Hon. Mr. Smart, minister of public works, had said that the government was decided to bring about some radical change in the administration of the schools. At first the premier denied that the government had the intention of abolishing the Catholic schools. After what had been said by two of his colleagues he kept silent on this burning question in the long speech he delivered at Wawanesa. That silence had its contrast in the words of Hon. Mr. Smart:

"I do not want to say anything bad about Roman Catholics, he would not wish that such an intention be attributed to him. They desire to have their rights as well as any other class of the population and he will defend them as energetically as those of the Protestants. As to the school question, he does not want to pose himself as a reformer of education, but as the question has been before the government he speaks in a practical point of view. He finds great anomalies in the school law.

"I do not want my remarks on this question to be interpreted as favorable to the abolition of separate schools. For the moment I am not ready to express an opinion and I do not desire to discuss the question to know if the principle of granting state aid to a separate school is good or bad. The whole system will be directly put under the control of a responsible minister of the crown and the same rules will be applied to separate schools as to Protestant schools."

The challenge was given in spite of the hesitation of the premier, and of the reticence of his colleagues; the attorney-general had given his programme; he resolved to fall or obtain complete secularization. He wants to abolish at the same time the Catholic schools that are as much public as the others and the Protestant schools that are as much separate as those of the other section. We will see that the attorney-general will succeed only in a part of his project. He will abolish the Catholic schools he has promised to maintain and will maintain the Protestant schools he has promised to secularize, but which, despite his energy, will continue to be what he himself calls "an iniquity."

#### RESIGNATION OF THE HON. SECRETARY OF STATE.

But some may say, what was done by Hon. James Prendergast, provincial secretary? He only did what an honorable man could do under the circumstances. He suffered, protested, and gave in his resignation; a resignation imposing on him sacrifices, known and appreciated only by his nearest friends. "L'Ouest Canadien," a weekly journal, established

and directed by the hon. provincial secretary, was also to disappear. Its last issue announced, with emotion, to the Catholic population, and specially to the French element, the sad events that had just taken place and the disastrous consequences that were about to follow. The journal we so much needed had to fall under the weight of financial difficulties that were thereby increased. That newspaper, after having often been adorned with literary flowers full of perfume and freshness, became as the winding-sheet of the ministerial career which had caused its existence. Both these existences, by far too short, were buried together, victims of the same treason.

Having done away with their colleague, who by nature and education was very different from them, the ministers became headless. They as well as their organs and their valets treated the Catholics in such a strange way that the deputy for Winnipeg to the Federal parliament, Mr. Hugh J. Macdonald, said in the Commons at Ottawa, on March 6, 1893, (Hansard, 1893):

"The manner in which the separate school system was abolished (in Manitoba) was barbarous, brutal and butcherly. I believe, as has been explained by my honorable friend from Provencher (Mr. LaRiviere) that the proceedings taken by the local government of Manitoba to pass and carry out the school act were such as to give the impression that it was their intention to add insult to injury and to hurt, in every way in their power, the feelings of the Roman Catholic minority of the province from which I come."

That a member of parliament should speak in such a way, things must have been carried very far.

#### THE WAY THE MINORITY WAS TREATED.

I would not like to fatigue the reader by a recital of all the injustices we suffered, nor tell all the calumnies heaped upon us, nor the disdain with which we have been treated, nevertheless, as it seems important that the reader should have an idea of our position, I will quote a few facts:

To excite the cupidity of ignorant people against Catholic schools, a minister of state presumed to say, that "the Catholic schools received twice and even three times more of government money than Protestant schools." However, according to law, the legislative grant was divided between the sections, Catholic and Protestant, of the board of education, in pro rata of the school population. For this, the census was made each year by the trustees of the different districts; such census was sworn to and sent the government. The government made the repartition of monies. How then, after this, can a member of the administration come before the public and say that the Catholic schools received twice and three times more than the Protestant schools. It has already been said the Catholic section by economy and in conformity with the disposition of the law, had succeeded in forming a reserve fund of



\$13,879.47. At the request of the government this sum was handed over to be later on confiscated by it, and enlarge what it called its economies. Not satisfied with this spoliation a hired organ began to insult the Catholic section of the board, saying that its members "had been obliged to disgorge that sum to which they wanted to give a misappropriation." Along with this the basest contempt was resorted to. A reverend doctor who took this despicable task in hand. The Catholics in speaking of their obligations with regard to the instruction of their children, had mentioned their scruples of conscience. Those scruples take root in the most delicate and elevated sentiments of the Christian soul; they are felt by all sincere and enlightened Catholics, they are strengthened by the teaching of the bishops who, in the whole universe have but one voice, that of good shepherds who desire to protect the tender lambs of their flocks; besides, their accents are but the echo of the great voice of the supreme pontiff who puts both the pastors and the flock on their guard against all teaching that ignores God and the doctrine of his Christ. Those views of the great Catholic family are unfortunately not shared in by all those who are not in its fold, but they command the respect of all those who dwell in spheres high enough to soar above vulgar prejudices. It seems that all reverend doctors do not dwell in those spheres; at least, one of them has proved it by the way he treats and appreciates the Catholic conscience: "Those so-called scruples of conscience, said he, are but the grief experienced by a farmer when one of his horses is slain because troubled with glanders." It is with such distinction of language and such elevation of mind that this man comes forward as the reformer of Catholic schools, whose promoters and supporters he calls "uncircumcised Philistines." The pagans covered with flowers and ornaments the victims of the sacrifice; here some cover with dirt those who try to protect the victim that is to be immolated. Besides such indignities, some formulated other accusations, which, although less gross, are not the less dangerous, nor less proper to excite popular prejudices. Here are a few points which some have dealt with:

#### SECRECY.

It has been affirmed that Catholic schools were private institutions, escaping all control and acting in secrecy. These false assertions found their echo and carried suspicion even among men from whom something better should be expected. Besides, here is the epitome of a few dispositions of the law. Each Catholic school, like the others, was under the administration of at least three trustees, elected by the ratepayers of the district; each school received, several times a year, the visit of

inspectors named by the board of education. The members of the board of education, all named by the government, had the control and direction of their respective sections. The deputies of the parliament elected by the people, the judges named by the crown, were all visitors, ex officio. Besides those who directed and inspected them specially, the school had therefore forty-six other persons to whom the law gave the right to visit. Of these forty-six visitors, nine only were Catholics, the thirty-seven others were Protestants; the doors of the schools were open to all and at all hours; a special book was at their disposition, with the request of writing their observations.

Again, according to law, two public examinations were to take place every year. The same law obliged the trustees to give an account of their administration in public assemblies. Again, by the law, the superintendent of each section had to make an annual report to the Lieutenant-Governor-in-Council. This report was to give all information concerning the schools, all their receipts and expenses, etc., etc. These prescriptions of the law were always scrupulously followed. Those reports were made annually, they were received by the Government, printed by its orders, and distributed to all the members of the legislature and to many others. After this some endeavor to dupe the ignorance of the public and excite the fanaticism of the populace, saying: "Let us abolish Catholic schools, they are private institutions, mysteriously conducted, closed to public inspection, without any control but that of the clergy, who use them for 'their benefit.'"

It is evident that instead of being too secret we may say that our schools were too public, and I know more than one who would affirm that the Catholics of Manitoba would feel happy to be freed from those exigencies of the law. I do not blame those who think that way; theoretically speaking they have a hundred times reason. On the other hand, however just and true may be the theories, one must also recognize their adaptability to the exigencies imposed by the state of society in which we live. The church possesses that wisdom of adaptation like her wisdom in other things, and she prescribes it sometimes to her children and to their pastors, as long as there is no sacrifice of principle.

#### NATURE OF CATHOLIC SCHOOLS.

But, had you a practical education? As this question is agitated in a manner a little too indefinite, I will restrict my answer to giving the practice of teaching followed in the Catholic schools of Manitoba. Undoubtedly, free thinkers and sectarian error will say that our schools were inferior; this is one of the assertions of those who do not know them. For an answer I offer to the examination of those who know something about elementary education the programmes prescribed and

followed in the Catholic schools of Manitoba in 1890, that they may judge of the injustice of the reproach addressed to them.

#### PROGRAMME OF EDUCATION.

1. Religious instruction in the child's language.
2. Reading.
3. Spelling.
4. Grammar and analysis
5. Composition.
6. Penmanship.
7. Linear drawing.
8. Calculation, arithmetic, mensuration and algebra.
9. Bookkeeping, single and double entry.
10. Geography of all parts of the world.
11. Sacred history, history of Canada, England and France.
12. Good behaviour, politeness and becomingness.
13. Vocal music.
14. Useful knowledge, from the most rudimentary to the elements of physics, chemistry, agriculture and astronomy.
15. For the girls, domestic economy, sewing, embroidery, etc., etc.

This programme and its developments were printed and put in the hands of the teachers, of the trustees and of the inspectors. I do not pretend to say that it was fully carried out in small localities or in the most elementary schools, but it was followed in schools more numerous and more regularly attended; for all it was the object to be aimed at. I do not hesitate to say that this programme is complete enough for elementary schools; very little experience suffices to convince one of the fact that it is perhaps a little too loaded, specially on account of the two languages. The country was not sufficiently settled to permit any one to expect the full development of our institutions, but I unhesitatingly affirm that if the progressive march of our schools had not been delayed by the persecutions against us we were on the eve of seeing the whole of the Catholic children of Manitoba frequenting schools able to rival with advantage the best schools in other Canadian provinces. We were about to harvest the fruits of enormous labors and sacrifices, when hostile laws came to darken the horizon, create new difficulties and delay the full realization of our work.

I have just spoken of injuries and calumny heaped upon us. I should be unjust did I not speak of what was done to the contrary. I must say it and say it honestly—a great number of the first citizens of Manitoba have shown their most hearty and generous sympathies. Those outward events have unfortunately broken our relations with men whom we had always respected and esteemed, but on the other hand they have strengthened the agreeable bonds which unite us to others of our separated brethren. Testimonies from people of high position have consoled and encouraged us.

The most important newspaper of the country took, on the school question, an attitude that was not understood by those

who seem to think that in man all must be venal. We have not been able to reward the editors of the Manitoba Free Press for the attitude so generous, so frank and so sincere they maintained in our favor; may I, at least, be allowed to tender to them the expression of a gratitude, vividly felt, although very imperfectly expressed.

#### INCONSISTENCY.

The discussions regarding the abolition of Catholic schools have given place to an inconsistent and incomprehensible attitude on the part of the heads and of the synods of other denominations. An appeal was made to the Christian sentiment of populations; the dangers of schools without religious instruction and exercises were stated. The thesis of the necessity of prayer and the Bible in the schools was sustained as indispensable. The teacher must be a Christian, he must pray with his scholars, teach the commandments, make instructive speeches; the atmosphere of the school must be Christian, the moral taught in them must be founded on the word of God, etc., etc. After this we could naturally hope that those gentlemen would say: "Leave the schools as they are; we have our Protestant schools, we have made them such as we wished, to be consistent with ourselves and just to others we are forced to say, let the Catholics have their own schools also." The sentiment of justice and logic has not been strong enough to enforce such conclusions and we had the strange experience of men of high standing showing themselves sufficiently inconsistent and unjust to say:

"Leave us our Protestant schools with the amount of religious instruction which has satisfied us in the past and will satisfy us in the future. Leave in our schools the Bible, the teaching of the Commandments, etc., etc. It is enough, if you are to leave the management and the discipline of our schools in Protestant hands, and if all the books are to be chosen according to our own views. But by all means, destroy the schools of the Romish church and if you are not able to do that, at least, dear governor and state, surround those Romish institutions with such difficulties that, at least, a few of the non-practical Catholics will object to their support at their private expense, and then we will have Catholic children under our influence. Moreover be cautious, henceforth call our dear institutions, 'Public non-sectarian schools.' The name you know goes for everything at a distance, and that name will sound effectively in Ontario and across the waters. 'Some of us will send our declaration to the privy council and it will have an important effect on the decision.' The name will do our work, and we shall have our Protestant schools exactly as we had them."

They could have added that the Papists will have the liberty to meditate on the progress of modern ideas and be convinced by themselves that the spirit that dictated the old penal laws is not dead but that it has been modified by the light of our times, but has become more astute and ingenious while remaining the same. No surrender!

## DEMAND OF SECULARIZATION.

Other views were manifested by the claim of complete secularization. Some said: "But the Catholics have as much right as others to the application of their ideas in matters of education; the Protestants are but a sect or an agglomeration of sects. Any school becomes sectarian the moment any form of religious exercise or teaching is introduced therein; the moment the Old or the New Testament is taught in it. The Jews reject the Gospel and the Lord's prayer, the Bible and prayer do not suit agnostics. The Christians themselves do not agree upon the division of the commandments. Instructive speeches, interesting anecdotes falling from the lips of a Protestant teacher run the risk of not being pleasant to the ears of all the pupils; if, for an instance, he relates some of those ridiculous fictions attributed to Papists; their authorized books may contain many things disagreeable to the parents of the pupils. The word sectarian school does not simply mean a Catholic school, but also a school in which a system is followed in harmony with the ideas of a sect or different sects. If you wish Public schools to be really non-sectarian and that this word may not be a derision, you must choose secularization pure and simple, otherwise your schools are odiously sectarian. In the present case they are doubly unjust towards Catholics, for not only do you deprive them of their rights, but, moreover, you want to impose upon them your ideas; you thus show yourselves more sectarian and less sincere than they. At least the Catholics grant you as much as they claim for themselves, they do not hide under false pretences the teaching and spirit they desire to see prevailing in their schools, while you want the teaching that suits you, but that under a borrowed name."

The legislator's opinion was not ripe for the logic of the apostles of secularization; they preferred the unreasonable and false position invoked by the partisans of a realfanaticism although mitigated in its form and simulated under a false name and pretext, and this brought about the actual law.

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## LAW OF 1890, IN DEFIANCE OF PROMISES.

The third session of the seventh parliament opened on the 30th January, 1890. Although it was decided to revolutionize the laws of education, it was not thought proper to name a committee to study this question though of such vital importance.

On the 12th of February, the attorney-general introduced a measure intitled a bill concerning the department of education and a bill for public schools. The two bills taken together contained 227 clauses of which 171 had been borrowed from the consolidated statutes of Ontario, thirty-one ~~others~~ were relics of former school acts of Manitoba, the twenty-five

other clauses were something new. All those different elements had to be connected together. We must, therefore, be not too much astonished if the cut and sewing of all those heterogeneous patches necessitated remodelling and mending, which I will indicate further on. The second reading of these important acts had been fixed for the 13th of February, but it was not taken up by the house until the 4th of March.

Then began the debates. At the very outset it was easy to see that the government had enchained the will of its partisans and consequently the five ministers and their twenty faithful supporters formed always and for every vote a body that nothing could move nor affect, during eight days and many nights.

The Catholic representatives, who numbered but six, had had the misfortune after the election, of being divided into three parties, at the moment of danger they forgot those dissensions and united in a common effort. Messrs. Gellay, Jerome, Lagimodiere, Marion multiplied their attacks by numerous amendments; they tried in vain to make impression on their political friends or adversaries of former days; they were always answered by a vote of 25. Mr. Alphonse Martin attacked the leaders, he did so with incredible persistence and vigor, being himself deceived so much the more cruelty that formerly he had given his heartiest support to those who to-day forced him to battle against them.

Mr. Prendergast placed himself in the foremost position, being endowed with a superior order of literary, historical, political and social knowledge. Nothing was neglected to defend the Catholics. The five Protestant members of the opposition joined them in the very heart of the battle, but numbers, that ultimate resource of constitutional regime, crushed every effort.

During this fight the parliament repeated the echo of unbecoming statements that had been published before the session. Many members of the assembly proved that their education needed retouching. Mr. Sifton, now attorney-general, did not fear to state that "he knew from a well informed friend in Montreal that the deputies of the province of Quebec were seated in their legislature only to give force of law to the decrees of the Pope."

Those on the floor and gallery heard all sorts of statements. Not only were the Catholics attacked and despised—this was expected—but something that surprised everyone was to see an old Grit applauded by the government party, when he pronounced insulting words referring to the Hon. McKenzie, Blake, Mills, because some had quoted words of these rejected chiefs, and which were not in accord with the sentiments then prevailing.

On the 12th Mr. Prendergast spoke for three hours; not only did he make the



best speech of the session, but he made it admirably in every respect. All was useless; speeches, reason and justice had no more effect than the numerous petitions sent to the legislative assembly. The second reading of the bill was decided by a vote of 25 to 11 and the matter referred to a general committee.

#### EXAMINATION OF THE SCHOOL LAWS.

The committee's examination revealed all the imperfections of the bills. The committee made 193 amendments, 142 other corrections, put aside 27 sections. Amendments do not prove that a law has been rendered perfect or defective, but a bill that is submitted by the consent of its promoters, to more than 300 changes or corrections, proves that it had been prepared with more than ordinary negligence and carelessness.

As I have already spoken of those school acts, I will only call the attention of the reader to a sub-title at the beginning of the most voluminous; that sub-title reads: Religious exercises, and occupies the three clauses 6, 7, and 8 of the act.

Clause 6 says: "Religious exercises in the public schools shall be conducted according to the regulations of the advisory board." This debut, strange enough in non-sectarian schools gives anxiety to the legislators; they search a protection for conscience thereby alarmed and the clause continues: "In case the parent or guardian of any pupil notifies the teacher that he does not wish such pupil to attend such religious exercises, then such pupil shall be dismissed before such religious exercises take place." But why mind the conscience of the children if really, in those public schools, there is nothing that can affect the conscience of any one. If, on the contrary, there is anything in your religious exercises that can cause anxiety, why be surprised if the Catholics have scruples of conscience? The law itself foresees that the regulations provided may give rise to scruples.

Clause 7 says that the school trustees will themselves decide if there shall or shall not be any religious exercises in public schools, but it is always the advisory board that decides what those religious exercises shall be. The teacher himself must do what the trustees decide.

Here is an example illustrating the injustice of these two clauses. In Winnipeg there are 4,000 Protestant children attending school, there are also 500 Catholic children; let us suppose for a moment that the Catholics would accept the public school system, their 500 children will have to mix with their 4,000 little companions; the advisory board will not change on that account; religious exercises will be the same as now; the trustees will not modify their ideas, they will continue, like to-day, to prescribe the religious exercises prepared by the advisory board. Then the Protestant

bible will continue to be in use, prayers having nothing of the Catholic character will be the same or replaced by others of the same kind. But the 500 Catholic children who would be there, what would they do? If the parents had taken the precaution of telling the teachers the children will go away!

One must be extremely blind not to see the inconvenience of all sorts that will be the result of such a state of affairs, for the discipline of the schools as well as for the formation of the character of the children, and for that famous assimilation and homogeneity which is said to be the object of the schools from which all that is Catholic is banished, and in which is kept with scrupulous care all that is accepted by Protestants and their clergy.

The 8th clause as first drawn reads as follows: "The public schools shall be non-sectarian and no religious instruction or exercises shall be allowed therein except as above provided." This clause was modified radically, I may say. The word instruction (religious instruction) was erased. That is to say that the Anglicans, Presbyterians or others exercised upon the government so much influence that it struck out from the law the following words: "No religious instruction shall be allowed in public schools." A people calling itself Christian is opposed to such prohibition. The obstinate will of the author of the law had to be tempered anew and acquire elasticity enough to bend back and cause the disappearance of the prohibition of giving religious instruction. He left in clauses 8 only the dispositions indicated in the preceding clauses, adding simply an affirmation altogether insignificant.

I say that these words are altogether insignificant, unless they signify simply the exclusion of what is Catholic. Many are ignorant on this change of front of the government although it is expressed in black and white and although it is easily found by the comparison between the bill as drawn and the law itself. To outsiders the big word "non-sectarian" has the effect of the magic lantern, nothing is seen in the true light.

The hundreds of modifications of which I have already spoken were adopted. The third reading occasioned other debates, a new amendment was put aside by the inexorable vote of 25 to 11, and the law definitely voted on the 19th March. The lieutenant-governor assented to it in the name of her majesty on the 31st and we were disappointed in the hope we had entertained that this cruel and unjust law would be reserved for the signification of the pleasure of his excellency the governor-general.

Abolition of the use of the French language.

On the 18th March, the attorney-general introduced a measure reading as follows:

"1. Any statute or law to the contrary notwithstanding, the English language

only shall be used in the records and journals of the house of assembly for the province of Manitoba and in any pleadings or process in or issuing from any court in the province of Manitoba. The acts of the legislature of the province of Manitoba need only be printed and published in the English language."

"2. This act shall only apply so far as this legislature has jurisdiction so to enact and shall come into force on the day it is assented to."

The second reading was asked for on the 19th March. Some members moved its rejection by the following amendment: "Whereas, it is not within the power of this legislature to repeal or amend section 23 of the Manitoba act, and "Whereas the bill intitled a bill to provide that the English language shall be the official language of the Province of Manitoba, amends, and in fact repeals said section 23, in so far as the French language is concerned,

"Therefore be it resolved, that the bill (No. 61) be not now read a second time, but that it be read a second time this day six months."

Such amendment was surely in accordance with all the notions of our constitutional rights, nevertheless, as anything is possible to a vote of 25 in an assembly of 36 voters (Mr. Fisher was absent) the bill was read a second time, referred to a general committee that reported without amending it and on the 22nd of March the third reading was voted by the 25. On the 13th of the same month the Lieutenant-Governor gave the royal sanction to the measure, although that peculiar law was in direct, formal, explicit and very clear opposition to general law that had received and still possesses the assent of the Imperial parliament. That law, which has but two clauses, the second throwing great doubt on the first, is another attempt against a number of our schools; not precisely on account of its dispositions, but on account of the consequences it may bring about in our midst.

#### LEGAL HOLIDAYS.

There was another point in which the Catholic population and schools could be affected; care was taken that it should not be overlooked. In the Archdiocese of St. Boniface there were six feasts of obligation: Christmas, Circumcision, Epiphany, Ascension, All Saints day and Immaculate Conception. Those six days are legal holidays by the statutes of Manitoba, but that was too much.

On the 18th of March, immediately after having introduced his bill against the use of the French language, the attorney general introduced another bill "to annul certain acts." The first clause of this new law, does away with Epiphany, Ascension, All Saints Day and Immaculate Conception as legal holidays. As the Protestants observe Christmas and Circumcision (New Year's day) the facility was given

them to enjoy those as legal holidays. The four other feasts being observed only by Catholics, the law cast them aside, and that always to arrive at assimilation and homogeneity. There is however, an inconvenience based on a scruple of conscience, even as to the schools. Supposing the Catholics would decide to frequent public schools. The four feasts above mentioned are feasts of obligation for Catholics, who must sanctify them like Sundays. That obligation is not acknowledged by the advisory board that wants those days to be school days. Supposing it is Epiphany or Ascension Day, the church bell will ring for the divine office the school bell will ring for class; what will the Catholic teachers and pupils do? If they go to church they will miss class and will be liable to incur the inconvenience of that infraction of school regulations. If they go to school they must have well grounded scruples of conscience as they violate a very positive law of their religion, and by so doing fail in an important obligation. This signifies perhaps nothing for our separated brethren, who may say, "the school above all." But this signifies a great deal for the conscience of the Catholic who answers, "Religion above all, and it is better to obey God than man."

The legislation against Catholics having prevailed, not only has it been put into vigor, but in Winnipeg and a few other localities the letter of the law was outdone, because the attorney-general had given an interpretation, which, in open parliament, his successor in office, stated was not the true one. The most rigorous interpretation, although false, still prevails; this is why the Catholics of many localities are forced to pay their taxes to schools called public schools, even if not frequented by Catholic children.

Such is the fourth phase of the Manitoba schools; no more than two years were required to make this evolution from whose history I draw the following conclusions. The school revolution effected by the law of 1890 is simply the putting aside of the practice that always prevailed in the colony of Assiniboia; the violation of the pact concluded at the time of the entry of this colony into confederation; and the destruction of the separate school system established by the legislature after the union.

These conclusions are necessarily derived from the above mentioned facts and which can be resumed as follows:

1. James Fisher, M. P. P., affirmed in the legislative assembly on March 4, 1893, that he was president of the Provincial Association of Liberals when Mr. Jos. Martin made, in his presence, to the voters of St. Francois Xavier, and in the name of the Liberal party, the positive promise that if the party came into office it would respect the rights of the Catholics to their schools and the rights of the French population to the official use of its

language, and that this promise caused the Liberals to gain power.

2. Rev. Father Allard, vicar-general, and Mr. W. F. Alloway, banker in Winnipeg, have on April 1, 1892, solemnly declared that in the beginning of 1888, Hon. Thos. Greenway, being called upon to form a cabinet, had asked to be mentioned to the archbishop of St. Boniface, the formal and positive assurance that the government he wished to form and that the party he directed, would never attempt anything against Catholics, either concerning their schools or the use of the French language or even the number of their representatives.

3. In the month of July, 1889, the Greenway government requested the Catholic section of the board of education to remit the reserve fund it had accumulated and administered by virtue of the law, and which amounted to \$13,889.47, acknowledging by a letter of the secretary of state that this money was an acquired right of the Catholic schools and that such right would be respected. Notwithstanding this promise, the government took the whole sum for itself never giving a single cent to the schools to which it belonged.

4. In the month of August, 1889, two ministers announced to the public their hostile dispositions regarding the institutions they had promised to respect and maintain. Hon. Joseph Martin declared emphatically that he would fail or obtain the complete secularization of the schools of the Province of Manitoba.

5. The clergy of Protestant denominations had influence enough to induce the

attorney-general to modify his attitude. The latter was forced to maintain what suited Protestants in their schools, although this same attorney-general had affirmed publicly, that it was an "iniquity" to teach Protestant religion in schools to which he wanted to draw Catholic children.

6. The Catholics, being only the minority, were sacrificed. Two statutes were passed by a vote of 25, to annul all former school laws; rights and privileges which they had enjoyed under every regime since the establishment of the country; rights and privileges which the present administration and the party in power had solemnly promised to safeguard.

7. A provincial law abolished the official use of the French language although such use was declared as obligatory in the federal statute called the Manitoba Act, and that this act had been ratified by the Imperial Government. The province has been at leisure to enjoy the ridiculous spectacle of a pretended royal sanction given to an act which is a formal challenge made to the Parliament of Her Majesty, all this to embarrass our schools the more.

8. The Catholic population had received the assurance that its religious rights would be respected. The government erased from the statutes of the province the legal recognition given to four feasts that are of obligation for Catholics.

This latter disposition renders again more difficult the acceptance of the school laws and more odious the so called desire to assimilate all classes of the population and grant equal rights to all.



## THE FIFTH PHASE.

### The Catholics of Manitoba Ask a Remedy for Their Trouble and Against the Injustice of Which They Are the Victims.

The phase I have just written shows the realization of the anxieties I began to experience in 1857; anxieties which I expressed to Mr. Dawson, in answering his letter in 1858; anxieties which, by becoming more serious, caused the mistrust I expressed in 1868. Those anxieties becoming general provoked the hostile attitude taken by the population of the Red River, 1869-70.

Assurances and promises were given to restore confidence and peace; negotiations initiated an advantageous solution; a law was enacted by the Canadian parliament in 1870 (it was ratified by the Imperial parliament in 1871); the most satisfactory explanations were given by the representatives of the crown and of the Dominion to convince the Red river delegates that the most ample and complete protection would be granted to their people, who, knowing their numerical weakness, feared aggression by numbers.

Calm was restored by the proclamation of the constitution of the province of Manitoba and by the frank and honest application of the same, during what I have called the third phase of the history of our schools.

But all this, all the traditions of a social existence of more than seventy years had to give way, because there were among the new comers in Manitoba, some men bold enough to challenge the Imperial authorities and destroy their work of pacification and justice.

I add that all this threatens to prevail in the Northwest. Here also is an ordinance or law concealing the dangers it creates, left to parties who interpret it and apply it as they like. The proceedings are less violent, but the same object is aimed at, and will be attained, if superior authorities are not on their guard and have not the necessary energy to apply a remedy.

Things have gone so far in Manitoba that it is easy to perceive the dangers threatening the Northwest.

However far things may have gone, the minority of the province cannot be fatally doomed to injustice by violation of the promises given. Injured in what they have most at heart, that minority have tried and try still to find a remedy to the evils they suffer. These efforts to obtain justice form the fifth phase, in which our schools have been placed, and in which they will remain as long as the faults committed are not repaired.

However painful may have been the attack against our schools and the French

language, I was not surprised as long as they came from the traditional enemies of our faith and race. As to those who threaten us with the rigorous judgments of history, I beg to say that I have not been the first to discover that history is often but "a conspiracy against the truth." The history with which we are threatened being that kind of conspiracy, I do not envy the fate of those who will furnish it with references. Instead of being moved by their threats I may assure them that I precisely invoke history, on condition that it be true and honest. It does not suffice to have a pen that is supple, elegant, charming and incisive to be an historian, one may have all that and be only a teller of stories made for pleasure, while all these qualities of style may not be had and one may say things that are true and deduct from them consequences that are logical and useful.

The grave has just closed over one of those men of incontestable talent as narrator but who lacked honesty, logic and the inspiration that constitute a true historian. If the history of our schools is to be written by another Parkman, I declare beforehand that I despise the intentions and motives that may be attributed to me. Pending this literary production I invite the sincere reader to be condescending enough to read my humble prose; it is not necessary to add that knowing myself better than anyone else, what I have said, done thought or felt, I am in a better position than those who accuse me, to say the real part I have taken in the matter. Let us then study the fifth phase of the history of our schools to know the remedies which the minority of Manitoba and its first pastor have tried to employ for the evil suffered. In the interest of truth and of the cause, I will speak of myself more than I would have if unfounded and dangerous assertions had not forced me to do so.

The constitution indicates four remedies for the evils of which we complain. They are:

The reserve of the royal sanction.

The disallowance of the law.

The resort to tribunals.

The appeal to the governor-general-in-council.

1ST.—RESERVE OF THE ROYAL SANCTION.

I may call the first remedy a preventive whose effect is to stop or at least delay the putting into force of a provincial statute. This remedy may be resorted to only at a certain moment; at the moment a royal sanction is asked for a measure that has just been voted by the legislature.

It was in the beginning of August that Hon. Joseph Martin announced his new policy concerning the schools and the complete secularization of education. Among other things, the attorney-general invoked the historical knowledge of his hearers by his surprising assertion: "It

was, he had thought, firmly established in the British constitution, that church and state were entirely separate." This absurd assertion was accepted without demur and threatened to produce a deep impression. Such is the reason why I immediately made researches which I published in the *Manitoba Free Press* of the 10th August, 1889. I gave the analysis of the labors of the royal commission named on the 15th January, 1886, "to enquire into the working of the elementary working education acts in England and Wales." I tried to give the conclusion of this commission. At the beginning I said: "The gigantic work of that commission is shown by the reports contained in nine large quarto volumes, forming nearly 5,000 pages. The report of that commission is the most complete possible refutation of the affirmation of those who say that the schools, such as asked for by Catholics, are in some way contrary to the spirit of the British constitution, to the practice followed in England and to the convictions of the English people. The principal conclusions of the commission are nearly what they would be, had their framing been left to a committee of Catholic theologians.

My letter consisting chiefly of quotations of the report of the commission surprised many, especially those who had written that the Catholic ideas on education "are relics of the dark ages, fit only for priest ridden people; such ideas are retrograde and not in harmony with the spirit of the age; they are anti-British and unworthy of an English people." The proof that our ideas are precisely those that prevail in England, and that are recommended by a royal commission composed of eminent men of Great Britain; that proof astonished the adversaries of our schools and silenced them for a time."

Our schools were doomed to destruction; they were attacked from another point of view. Then began the series, already mentioned, of direct accusations against the Catholic schools of Manitoba and against the Catholic section of the board of education. I had always been president of that section of the board; I owed to myself and to my colleagues in office (among whom, let it be said, there was a cabinet minister) to refute such false accusations. I did it in a letter dated Aug. 21, 1889, which remained unanswered. About at the same time I was invited to the great celebration at Ottawa on the occasion of the unveiling of the statue of Mgr. Guizot and the Rev. Father Tabaret. I went to the capital, then to Montreal and Quebec.

Needless to say that the school filled my thoughts as well as my heart. I saw some of the ministers in Ottawa and many friends everywhere; all I met showed sympathy, but said "the time has not yet come to give our opinion; who knows,

wiser councils may prevail and, at all events, everyone will do his duty; your rights are too clearly defined by the constitution to allow anyone to doubt of the final triumph of your cause." These few words are the faithful abridgment of what was said to me by men occupying different positions and differing in politics. These words increased my fears, so much so that in Quebec and Montreal I reproached myself with judging too severely the apparent indifference, I thought I remarked in persons, on whose support we could rely. A rumor coming from Quebec caused me to hope for a change; I do not mention it because it was too vague and uncertain, but, if it be true that then the government of Quebec made some efforts to help us, I profit of this occasion to express my heartfelt and sincere gratitude.

I returned to St. Boniface on the 21st November. I was heartily welcomed; everyone knew I had done all in my power to protect the schools; the Catholics reiterated the assurance that I could rely on them, and that in every family, even the little children joined their parents in praying. Emotion brought tears to my eyes.

On the 22nd December the *Free Press* placed again at my disposition a few of its closest columns for the insertion of a memorandum concerning the negotiations that had taken place in Ottawa in 1870, and in the course of which assurances were given relative to denominational schools. Some of the assertions I then published are reproduced in the second phase of the study. My assertions caused a controversy which I sustained in a letter to Mr. Taylor, published on the 13th January, 1890, and in another to Mr. Hay on the 24th of the same month. Unfortunately I had not at that time, the official documents which I have since obtained; my assertions were called in question notwithstanding their veracity. The fatal end was too near, it was important to prevent the effect that should have been the consequence of the exact knowledge of the negotiations at Ottawa. Things contained in parliamentary annals were denied, others discussed and decided in public conventions, all that was favorable to our schools was denied. The iniquity was to be consummated and for this, untrue and lying assertions were resorted to.

During that time the Catholic population, more and more alarmed, united in large assemblies, everywhere petitions were signed, and were addressed to the legislature, but without effect; not even that of lessening odious forms or give a resemblance of propriety in the arbitrary conduct that had been contemplated.

Wanting to be free from reproach on the part of my conscience, I asked for an interview with Mr. Greenway. He received me and called in two of his colleagues; Rev. Father Cloutier accompanied me; I did not wish to remind the premier of the

promises he had given me through my vicar-general two years before, I had promised to keep the secret, I did not wish to divulge it before three witnesses. I spoke of all the rest. I am not a physiognomist, nevertheless I could read in my interlocutor's face, "You are right, but I will not do so." He, however, did something; disregarding my delicacy for him, in not causing him the confusion he would have felt had I reminded him of his promises; he denied the promises themselves, so much so that it became necessary to ask the solemn declarations of the two witnesses to contradict his denials.

The legislative assembly opened on Jan. 30, and with the results mentioned in the fourth phase of this work. During that session I had a little hope that the first remedy contained in the constitution would be employed. That preventive would have had for effect to delay and perhaps stop the evil at its very outset. Among those who accuse us of not having done our duty in Manitoba, I would like to know those who thought or tried to apply the remedy I mention and of the efforts they have made in that direction. Ignoring what was done elsewhere on the subject, I must speak only of what was done here.

The 55th article of the British North America act, 1867, explained by the 90th article and applied to Manitoba may read as follows:

"Where a bill passed by the houses of the parliament is presented to the Lieutenant-Governor for the Queen's assent, he shall declare, according to his discretion, but subject to the provisions of this act as well as to the provisions of the Manitoba act and to the Governor-General's instructions, either that he assents thereto in the Queen's name, or that he withholds the Queen's assent, or that he reserves the bill for the signification of the Governor-General's pleasure."

It is then evident that the lieutenant-governor has the choice between three alternatives and this choice is left to his discretion, subject nevertheless to the instructions of the governor-general. What are those instructions? Are they the same for every lieutenant-governor, or are they special, secret and particular instructions to a lieutenant-governor of such or such province?

The law does not mention it, but it is hardly to be believed that the law had in view special instructions for then the lieutenant-governor would not be left to his discretion, and this is explicitly expressed in the law. By this we see that the law meant general instruction. I do not know them, but it seems to me that they must be for the general welfare of the country, for the authority of the queen and of her parliament, also for the authority of the Federal parliament and for the constitution governing each province. The least that can be said is that, on the 31st of March, 1890, there was a doubt on the constitutionality of the acts that deprived the minority of the rights and

privileges it enjoyed for its schools and to the official use of the French language. As far as I was concerned, I considered that the respect due to those acquired and vested rights did not leave room for a doubt, and I looked upon the thing as so certain as to allow the lieutenant-governor to declare that he refused the assent of the Queen, or at least that he reserved the bill for the signification of the good pleasure of the governor-general. I took the respectful liberty to mention my views to His Honor, to insist that he should very attentively consider the bill; I looked upon that reservation as capable of preventing many misfortunes and sparing great annoyances. I pointed out the conduct of Lieutenant Governor Cauchon, who reserved a bill identically similar to one of those in question, the one concerning the official use of the French language. I added that I knew that the Hon. Mr. Cauchon had always congratulated himself on having acted thus, and that he never was sorry for having done so.

Having the same views as myself the six French members of the legislative assembly presented to the lieutenant-governor two memorandums; the first against the abolition of the use of the French language, was transmitted to his honor on the 27th March; the other, concerning the schools, was forwarded on the 28th March. Those memorandums had been prepared by Hon. Mr. Prendergast. These two documents had no result in Winnipeg, but his honor sent them to the hon. secretary of state on the 31st March, the day of closing the session. Until the last moment we had thought the bills would be reserved. The assent itself dispelled our hopes and the deception was so much more complete as the lieutenant-governor reserved two other bills passed during the same session. The two latter were relative to arrears of taxes; evidently their importance and unconstitutionality were by far inferior to those of the school act and of the act doing away with the official use of the French language. His honor was the first to apply the latter act, which he had just sanctioned; for the first time, since the formation of the province, the speech from the throne was not read in French. The work of destruction was consummated as far at least as the Manitoba legislature was concerned. The authors and accessories of that political and constitutional crime could say: "All is gained except honor!" Except the honor of those who had just acted; in contradiction with the most positive promises and assurances.

## 2ND DISALLOWANCE.

All hope had vanished in Manitoba; the oppressed naturally looked towards Ottawa. They did so by petitions whose final prayer, though varying in language, had, in fact, the same object, the repeal of the unjust statutes.

On April 7 the members of the Catholic section of the board of education assem-



bled and sent a petition to the governor-general-in-council. That document, in the briefest form possible, indicated the four points I have mentioned in the four preceding phases of this work, and ended by what is the principal object of this fifth phase, and the prayer read as follows :

"The Catholic section of the board of education in and for the province of Manitoba, most respectfully and earnestly pray his excellency the governor-general-in-council that said last mentioned acts be disallowed to all intents and purposes."

The petition was signed by the archbishop of St. Boniface, president, and by Mr. T. A. Bernier, superintendent. The petition was sent to the lieutenant-governor, who officially transmitted it to Ottawa as shown by the documents of the session.

On the 14th April Hon. Jas. E. P. Prendergast sent to the hon. secretary of state a petition signed by eight members of the loyal opposition of Her Majesty in the Manitoba parliament, complaining of the acts to abolish the old educational system and replace it by a new system, depriving the Catholics of the vested and guaranteed rights. The petitioners affirmed their reasons in a lengthy appendix marked D, sent with the petition, they looked upon such acts as ultra vires and prayed that

"His excellency may be pleased to take such action and grant such relief and remedy as to your excellency may seem right and just."

Hon. Girard, senator, and LaRiviere, M.P., signed the petition.

Remembering what had been told me in 1870 by a governor-general, I thought it was my duty and right to recall those facts to his excellency, the fourth successor to Lord Lisgar. On the 12th April I addressed a memorandum to Lord Stanley to remind his excellency of some of the promises made, not only in the name of Canada, but also in the name of Her Majesty and that by her immediate representative who had assured me that he not only acted as governor-general, but also was honored by Her Majesty with a special mission ad hoc. My memorandum, accompanied by vouchers, ended by a prayer addressed, not to the governor-general-in-council, but the representative of the Queen, hoping that his excellency could perhaps help us in a special way on account of the special promises that had been made to me and to the population in the name of the Queen and of her Imperial government and I said, "I therefore most respectfully and earnestly pray your excellency, as the representative of our beloved Queen to take such measures, which in your wisdom would seem to be the best remedy against the evils above mentioned and against those which the new laws may cause in this part of Her Majesty's domain." This memorandum and the vouchers A, B, C, D, accompanying it are in the public records. My venerable friend, Mgr. Lafleche gave us the

help of his sympathetic voice in a petition addressed to the secretary of state.

The demands already mentioned covered all that could be asked; the disallowance or all proper and just remedies.

Petitions addressed to the governor-general-in-council are in fact addressed to the whole Canadian legislature. The government is but the executive committee of the house, to which it is responsible, and the government has to answer for its acts as well as for its omissions. Every member of parliament has the right to know the petitions addressed to the privy council; not only has the right to know them, but even that of judging them, to urge their acceptance or refusal according to his personal convictions. Thus, when petitions are addressed to the governor-general-in-council, they are addressed to the representatives of the people, not only collectively but also individually. Is it then a parliamentary error to say that demands addressed to the executive do not concern the chief of the Opposition or his supporters? The opposite would be true. If anyone by his position must, more than any other, have the scrutiny of the requests addressed to the government and of the manner in which they are received by it, it is surely the chief or some of the members of the Opposition.

This is so true that, in the present case, our petitions had hardly reached Ottawa when the attention of the commons to those petitions was called by

HON. EDWARD BLAKE.

I pray those who busy themselves about the disallowance of the school laws of Manitoba to pay special attention to what follows; in it there is something that deserves so much the more to be known that not being aware of it has prevented even sincere men from fairly judging the question. To express myself more plainly and explicitly to those who ignore or forget what was done in parliament I say: "It is not the minority of Manitoba nor Archbishop Tache that have abandoned the claim for disallowance." The granting of this amount was made impossible by the unanimous vote of the Commons of Ottawa on Mr. Blake's resolution. I want to be well understood, my words are not a reproach addressed to one of our public men, one of the most distinguished and the most generally esteemed; Hon. Edward Blake does not need my testimony in order that his superior intelligence be known and appreciated; on the other hand I will not depreciate him by saying that he has on the constitutionality of the act, of which we complain, notions not different from mine. I have no doubt of Mr. Blake's honesty, so that I am convinced that when he got up in the house it was not to add another difficulty to the solution of the question no more than to diminish the responsibility of Sir John A. Macdonald and his government. In other words Mr. Blake works neither against

our schools nor in favor of his political adversaries. Nevertheless he was the first to take in hand the question we now consider. Petitions asking for the disallowance and every possible remedy to the legislation of which the Catholics complained, were hardly arrived at Ottawa than Hon. Mr. Blake rose in the Commons to move the following resolutions :

#### RESOLUTIONS.

"That it is expedient to provide means whereby on solemn occasions touching the exercise of the power of disallowance or the appellate power as to educational legislation, important questions of law or of fact may be referred by the executive to a high judicial tribunal for hearing and consideration, in such mode that the authorities and parties interested may be represented and that a reasoned opinion may be obtained for the information of the executive."

I pray those who accuse us of the responsibility of not having obtained the disallowance to ponder over this resolution and to read carefully the speech by which Mr. Blake supported it. That speech is in Hansard, 1890. As all my readers have not the facility of getting this document, I will make a few short quotations. Mr. Blake says :

"It is now generally agreed that void acts should not be disallowed, but should be left to the action of the court. . . . My own opinion is that wherever in opposition to the continued view of a provincial executive and legislature it is contemplated to disallow a provincial act as *ultra vires* there ought to be a reference, and also that there ought to be a reference in certain cases where the condition of public opinion renders expedient the solution of legal problem, dissociated from these elements of passion and expediency which are rightly or wrongly often attributed to the actions of political bodies. And again I will recommend such a reference in all cases of educational appeal, cases which necessarily invoke the feelings to which I have alluded, and to one of which I am frank to say my present motion is due. When you act of the appellate educational clauses, as for example, in the case of Manitoba. . . . It is important that the political executive should not more than can be avoided, arrogate to itself judicial powers."

It ought to have the power to call in aid the judicial department in order to arrive at a correct solution. . . . The absolute union of the executive legislative and judicial departments is absolute despotism. I do not say that they can be absolutely and always separated. I by no means propose to withdraw from the executive its duty. My object is to facilitate the better working of them."

All this is perfectly clear. Hon. Mr. Blake moved that in matters of education, as in the Manitoba case, the government should not use the power of disallowing provincial acts, nor even of hearing the appeal against those laws, without having before hand submitted the matter to a high judicial tribunal to receive light and direction that, although it leaves a responsibility upon the executive, may permit it to act more safely, with less passion and thus make less victims of political expediency. It was then a new procedure that was set before the administration.

Sir John A. Macdonald thanked Mr. Blake and insisted on two points: 1. That the recourse to the tribunals, such as moved, be supported on a law whose dispositions would be such as to permit, in any case, an appeal to the privy council. 2. That the opinion asked and received from the high tribunals would be but an advice, in no way lessening the government's responsibility. Again, I pray the reader to consider attentively those important declarations; they had a value in the past and may be useful in the future.

After those explanations of the premier, the motion of Mr. Blake was unanimously voted by both sides of the House, by the right as well as by the left, by the Liberals as well as by the Conservatives, by those who to-day place upon me the responsibility they then assumed, as well as by those who are loyal enough to recognize that the question of disallowance was thus killed in the Commons. I do not know the thoughts of those who voted without speaking, but I know what I thought; what suffered, in learning that, a fortnight after its arrival at Ottawa, our petition asking for disallowance was paralyzed by the unanimous vote of the Commons of Canada. I do not know the ideas of the government, but it might have naturally thought :

"Blake and opposition relieve us of a great anxiety; that resolution can not be law nor be applied before twelve months : the time fixed by the constitution for disallowance will have expired, we will not need to meddle with ; this suits us so much the more that the rights of the Catholics are so clear that they cannot be sacrificed."

I do not know either the thought of the opposition, but I see its chief looking complacently and intelligently on his partisans and saying to them silently, "What a fine affair ! If the elections bring us into power before a year, we will not be called up to consider this terrible question of disallowance, and you know that this would be my night-mare, but the Conservatives have voted with us on the Blake proposition rendering disallowance virtually impossible in this case."

In Manitoba, both among the Liberals and among the Conservatives, the disallowance was the most unpopular measure, on account of that employed against railroads. As to the schools themselves, it was feared that the disallowance would cause agitation, but the Blake proposition having been unanimously voted it was hoped that an advantageous and different solution would be arrived at. Every one here knows that I did not share entirely such views more than anyone was given by that obstacle to disallowance, but I yet hoped that it would be removed. The possible refusal of disallowance prompted new petitions that could not be affected by that refusal. At once a petition was sent around the country and signed by four thousand some hundred people.

On the 24th June, 1890, the national congress held its first session in St. Boniface. The object of that congress was to show that the lay element felt, as well as its clergy, the injury and injustice perpetrated. The priests were the first to ask that they be dispensed from taking part in such assembly, precisely to give a denial to those who affirmed that the claims to our most sacred rights were simply on account of the clergy. Numerous delegates came from every parish; the ardor of those sincere patriots, of those convinced Catholics, offered a thrilling sight that left no place for doubt as to their unanimity and determination.

The Catholic population having given its opinion, its first pastor was happy to congratulate it, and on the 15th August he published a pastoral letter in which he expresses himself with love and confidence, indicating, however, the dangers that are to be avoided and the means to be employed.

The death of Bishop Farand forced the Archbishop of St. Boniface to go to Montreal, in the interests of the missions of Athabaska McKenzie. He arrived there on the 10th of January, 1891, and on the same day was attacked by a sickness that put his life in danger. He felt better in February, precisely at the time of the electoral campaign. This circumstance brings me face to face with certain accusations made against me; the most unreasonable is perhaps the one that throws upon me the terrible responsibility of having sacrificed the Manitoba schools, because I did not obtain the disallowance of the laws of 1890. Among those who made that accusation there are many who voted in favor of Mr. Blake's proposition. By this unanimous vote the parliament had rendered, the disallowance morally impossible, and some want me to bear the responsibility of that impossibility created by our legislators. I am forced to say that they do not know the first word of the situation or that they construe it in a strange manner. To be absolutely and candidly sincere I must add that I do not think that there is in Canada an educated man so small minded as to believe that it was possible for me to obtain the disallowance against the vote of the whole legislature. Enough for such unlawful and unjust accusations and insinuations. It is evident that many of those who speak of the disallowance of the Manitoba school laws are not the ones who desire it. It is not even necessary to be very cunning to read between the lines on this subject. Here is simply what was wanted; elections were taking place and they were warmly contested; if only Archbishop Tache helped the opposition; if, for an instance he blamed the government on account of his deceptions; if he urged disallowance *per fas et nefas*, if he excite the Catholic populations, the result would manifest itself in electoral voting boxes. So little would be needed to upset the political scale.

I could not and would not take part in such strategy, and could not be more abused, no one can make me regret having abstained from acting in a manner unworthy of my character and position.

To protect our cause I took part in the letter in which my name has the honor to be placed with that of the other members of the Canadian Hierarchy. Not only did I sign that letter, but I framed it and respectfully asked for the signatures it contains. At the beginning of this study I stated that the first school opened in the Red River settlement was opened according to the instruction given by the Bishop of Quebec, whose jurisdiction extended from ocean to ocean. That impulsion, coming from the old metropolis, was fruitful in happy results; numerous schools were opened in the plains and forests of the west. For seventy-two years the Catholic feeling was respected so much that civil authorities favorably accepted those schools and helped them. After seventy-two years of a practice so constant and useful, a hostile disposition was manifested against that order of things. I then believed that an energetic protestation coming from those whose episcopal jurisdiction, taken collectively, covered the immense Canadian territory and are the successors of Mgr. Plessis first organizer of the Red River schools, I believed, do I say that such a protest, accompanied by a humble request to the governor-general-in-council would not be out of place. There are analogies even in contrasts, and in this matter I found a very striking one. The reader probably remembers that the bishop of Quebec had obtained from Sir John Sherbrooke, governor-general of Canada, some letters of recommendation in favor of the two missionaries and of the teacher whom his lordship sent to establish missions and schools in the Red River settlement, and that in the course of this letter the king's representative said:

"I do hereby call on all his majesty's subjects not only to permit the said missionaries to pass without hindrance or molestation, but render them all good offices, assistance and protection wherever they shall find it necessary to go in the exercise of their holy calling."

Those recommendations of the representative of his majesty had been respected since 1818, when in 1890 the Greenway government inaugurated a system of "hindrance and molestation."

It then seemed to me very natural that the successors of Bishop Plessis should implore protection from the successor of Sir John Sherbrooke, and I respectfully requested them to put their signatures on the petition prepared to be presented to the governor-general-in-council.

Many distinguished prelates have filled the Episcopal See of Quebec. The one who to-day occupies it with so much distinction has increased its glory by the splendor of the Roman purple, our most



eminent and most illustrious first Canadian Cardinal signed with alacrity that prayer asking the representative of Her Majesty to remove the "hindrance" not to allow the "molestations," contrary to the assurances, given in the name of Her Majesty, to the population of Manitoba and which might be the result of a legislation "which would impose upon a noticeable portion of Her Majesty's loyal subjects the conviction that the public good faith is violated with them." Seven other archbishops and twenty bishops themselves, or by representatives, also signed the petition. Those voices of the whole Canadian Episcopacy from Halifax to Vancouver, full of emotion raised and together sounded at the door of the governor-general, at that of the Canadian parliament to "pray to afford a remedy to the pernicious legislation and that, in the most efficacious and just way."

When this important document reached Ottawa, the minister of justice had already signed his report to the governor-general to the effect of a nonrecommendation of the disallowance.

There is no situation so completely desperate as to leave no hope in the imagination of the one who suffers, so much as that in spite of all, I had hoped against hope. I experienced a cruel deception when the decision of the privy council forced upon me the conviction that there was no more expectation of disallowance; the government had refused it.

### 3RD.—THE SCHOOL QUESTION BEFORE THE TRIBUNALS.

Hon. Mr. Blake's resolution voted unanimously in parliament rendered virtually impossible the disallowance of the school act, but did not in any way interfere with another mode of protection, the recourse to the court is a very common privilege, but alas! it is very uncertain and in many instances causes deception.

It was first decided that a test case should be tried before the court in Winnipeg. I do not know where, when or by whom this was decided. A good Catholic was persuaded to sue the Catholic trustees of the city of Winnipeg because they allowed the catechism to be taught in their schools. Naturally the case was dismissed, it could not bear the most superficial examination.

It was decided to institute a more serious suit. This was the one which became so famous as the case of Barrett versus the city of Winnipeg. According to the letter of the school act of 1890 the board of Catholic trustees of Winnipeg should have been recognized and the actual attorney-general (Hon. Mr. Sifton) has since expressed that opinion; but his predecessor, Hon. Jos. Martin, decided that the board of Catholic trustees had ceased to exist, and the municipal authorities of the city of Winnipeg were instructed accordingly. In

levying the school taxes, the rights of the Catholics were ignored and they had to pay their school taxes for Protestant schools. Mr. J. K. Barrett, a ratepayer of Winnipeg, objected to this and sued the city in the courts to quash the by-law by which he was forced to pay his taxes for Protestant schools, while the Catholic schools for which he was trustee received nothing. The ultimate object was to obtain a decision against the constitutionality of the School acts of 1890 by showing that they were a violation of the first sub-clause of clause 22 of the Manitoba act.

The minority of Manitoba and myself were charged with great responsibility for having allowed such a course to be taken. The fact is, my own attitude has been so absolutely passive on the matter, that I knew nothing of it until it was entirely settled and the counsel had been chosen for the case. The idea of this mode of action originated with the government at Ottawa, which decided upon it after Mr. Blake's resolution had been adopted. The Barrett case is not my doing. More than that, I dare say that it might have resulted in quite a different way if my views had prevailed. I do not understand why the minority is charged with its responsibility, as the premier, in a public meeting in Montreal, on Sept. 12 last, stated: "I am ready to admit it, as I have already admitted in parliament, the case was laid before the tribunal by the government in order to obtain a decision which would settle the affair by judicial proceedings."

The suit was tried first before the Hon. Judge Killam on the 24th of November, 1890. His Lordship rendered an unfavorable decision. It was expected that it would be so. Mr. Barrett appealed from the decision of Judge Killam to the full court of the Queen's bench, the Hon. Judges Taylor, Dubuc and Bain. The Hon. Judges Taylor and Bain gave their decision; it seemed at first as if they were favorable to Mr. Barrett's contention, but their decisions were adverse. Judge Dubuc dissented from his honorable colleagues. The organ of the local government thought proper to say that Justice Dubuc was influenced by his Catholic sentiments. This style of argument cuts both ways, and is so much the more useless and unjust that any expert can satisfy himself of the relative merit of the judgements rendered by the four judges of the court of Queen's bench. It is certain moreover that Judge Dubuc was in a more favorable position than his colleagues to discover the injustice of the law they had to examine. He was in Ottawa in 1870, thence he came direct to Manitoba; he was a member of the legislative assembly and even of the provincial administration at the outset of the establishment of the province and at the time when the Manitoba act received its first interpretation and application.

Nevertheless, on the 2nd February, 1891, it became known that the Barrett case had been lost in Winnipeg. The government having decided to go further the case was appealed to the supreme court in Canada, it was pleaded on the 27th and 29th May and judgment was rendered on the 28th October. The honorable judges, Sir W. J. Ritchie, Strong, Fournier, Taschereau and Patterson, rendered an unanimous decision and one favorable to Mr. Barrett. The orders of the court of Queen's bench, as well as the one of Hon. Judge Killam were put aside and reversed, the by-law declared illegal and the city of Winnipeg was condemned in costs. The decision surprised no one, it being generally expected.

The friends of the provincial government in Manitoba resorted to their imagination to find out a way of weakening the cause of the Catholics, they then imagined the case of Logan versus Winnipeg. This was not a test case, but a sham case; it was a scheme of lawyers resorted to merely to prejudice the Barrett case; it was all it was intended to do, without even taking into consideration the ridiculous position assigned thereby to His Lordship the Bishop of Rupert's Land in the estimation, at least, of those who are aware of the part taken by his lordship under the new school laws of Manitoba, as well as under the old regime. The judges thought proper to decide in conformity with the judgment recently pronounced by the supreme court. The government of Manitoba being at the same time applicant and respondent lost and gained its own case of Logan versus Winnipeg. It was a new source of embarrassment and is all what was expected from it.

The City of Winnipeg appealed from the decision to the privy council. An excess of confidence brought about an unfavorable issue and the Barrett case was lost before the judicial committee of the privy council. This was a surprise for everybody both winners and losers. The surprise may be diminished by the study of the manner in which the case was argued. The research of the lawyers on this point has been facilitated as the whole of the trial has been published in a partial report of the Federal session of 1893.

It would appear rash on my part to venture an opinion on a subject in which I cannot claim to be competent. I have, however, the right to say that I would have liked better that the Attorney General of England should have been replaced by some eminent Canadian lawyer who would have known Canada better as well in the details of the union of its provinces and also the condition of the entry of Manitoba into confederation. Whatsoever may have been the causes of the result the decision of the privy council was unfavorable on the one point; does it follow that we accept this

as a final solution? No, and I repeat what I have asserted on the first page of this historical compilation: "A question is solved only when it is settled with justice and equity," and that in spite of all subtleties and errors of language. Right is above law and equity above legality. I do not desire that the laws be resisted nor the decision of the court. I condemn such resistance in all cases but I claim the liberty of the children of God and that liberty allows us to resent what is contrary to justice. The martyrs of the primitive church offered their bodies to the torture and their heads to the block, but they were never heard proclaiming the laws of their persecutors as just and equitable, human authority is merely horrified from Divine power and must harmonize with it. I wield but a weak pen in the services of our schools, but I have seen them under all their phases, and no human power, judicial or executive, will convince me that the Catholics of Manitoba and the Northwest are justly or honorably treated with regard to their schools.

People think that we should be satisfied because the public schools are said to be non-sectarian, and the privy council has pronounced them to be such. Their lordships have decided according to the text of the law as expressed in the statute book, but said nothing of what is going on here, nor of the decision of the advisory board. I have not the pretence of informing their lordships, but I may supply to my readers what is reported in public prints as received from authorized sources under the title:

"An Epoch in Masonry and Education."

The Catholics of Manitoba were laboring under the distress caused by the recent decision of the privy council, when the following occurrence took place. Mr. D. J. Goggin, then a member of the advisory board and principal of the Normal school of Winnipeg; the Hon. D. McLean, then minister of public instruction in Manitoba, and the Rev. H. L. Watts, Protestant pastor, thought proper to increase the sadness experienced by Catholics already wounded in their dearest convictions and sentiments; and gave at the same time a solemn contradiction to the affirmation of the privy council who had just declared that the public schools are not sectarian. Here is the text of the dispatch wired from Virden to Winnipeg:

"Virden, Aug. 16, 1892—"The corner stone of the new school building here was laid this afternoon with impressive Masonic ceremonies which were conducted by Grand Master D. J. Goggin. Besides the members of Lebanon lodge, a large number of visiting brethren were present from Oak Lake, Elkhorn and Moosomin. The ceremony was witnessed by 300 or 400 people. The grand master was assisted by Grand Senior Warden Lewin, of Moosomin, and the D. D. G. G. Rev. H. L. Watts. After the ceremony the grand master delivered an oration showing that Masonry was connected with intellectual

progress and development. Hon. D. McLean, as minister of education, made an eloquent address. A Masonic banquet is being held to-night. To-day's events are an epoch in the history of education and Masonry in Virden."

The affront has been repeated since. A queer way indeed to prove that the highest tribunal of the empire, was correct when stating that the public schools are non-sectarian and that it is but proper that the Catholics should contribute to their construction and support.

Let it be remembered that Mr. D. J. Goggin was then principal of the Normal school in which Catholics, as well as others, must be trained if they want to secure certificates or diplomas for teaching in the schools of the province; the same Mr. Goggin was also at the time a member of the advisory board, that board which is the only power in the country allowed to make or choose the prayers and other religious exercises to be used in public schools; if the gentleman had acted at Virden in either of these two capacities the fact would have escaped notice, but it was not so; Mr. D. J. Goggin leaves Winnipeg, goes to Virden, 180 miles, as a Grand Master in Masonry and there in his Masonic capacity, officiates after the rites of his sect and performs ceremonies prescribed by that sect so hostile to the Catholic church.

The hon. the minister of education would very naturally assist at the laying of the corner stone of a school house in his district; this is very proper, but that the same minister of state should take an inferior place under his own subaltern and employe, because the latter is grand master and that the school is to be dedicated according to Masonic rites, is enough to point out the sectarian character of the whole proceedings.

Both the minister of education and the member of the advisory board alluded to the admirable union prevailing between Masonry and state education, and a rev. parson joins with them to show that Free Masonry, state education and Protestantism are in accord on the question of non-sectarian schools and that the triple alliance is anti-Catholic.

The said Mr. D. J. Goggin is now in the Northwest Territories, his ability was called in that part of the Dominion to perfect a system of education which would undoubtedly be in accordance with the requirements of his sect. At his debut in the task, a regulation has been passed to force all those who wish to teach in the schools of the Northwest, even in those recognized as Catholic schools, all without exception must go to Regina and there, during several months, be under the direction of Mr. D. J. Goggin.

Imagine that the ladies of the different religious communities, even those who have graduated elsewhere and have taught successfully for many years should be refused certificates of competency unless they go to Regina, even from the remotest points of the Northwest, and

there mix with young men and young girls to be taught the art of teaching grammar, reading, etc., and that by a grand master of Free Masonry.

There is in all this a sectarian cynicism, which cannot but be inspired by the deep hatred of the church, "It is affirmed that the people of the Northwest will be wiser than those of Manitoba. In the latter province the school question has been dealt with too openly and with too much noise. The wise ones of the Northwest will do otherwise, they will be more cunning and more regardful of forms, and thereby obtain their ends with more facility and certainty."

Et nunc reges intelligite, erdimini qui judicatis terram.

#### 4TH.—APPEAL TO THE GOVERNOR-IN-COUNCIL.

The preventive remedy of reserve for the good pleasure of the governor-general had not been applied; disallowance had been refused; recourse to tribunals had finally given an unfavorable decision in the school case. What was to be done? Before such refusals and mishaps, were the Catholics to abandon their claim for their rights? They were too well convinced of the justice of their cause, not to have recourse to every legitimate means of protecting them. The appeal was to be made on points different from those invoked till then. The law had been assented to and by this assent the idea of "reserve" had vanished. Two years had elapsed, so that disallowance was, by the very fact, an impossibility. The highest tribunal of the empire had declared such acts *intra vires*, the minority could not, at least for the moment, invoke the rights and privileges guaranteed by "practice" at the time of the union. Let it be well-known, all the difficulties experienced had not inspired those interested with any conviction unfavorable to the merit of the question itself. They were and are yet convinced that they are victims to an injustice and will be satisfied only when an efficacious remedy shall be applied to the evils they suffer, when so ever may come the remedy.

The news of the privy council's decision caused a great and energetic explosion of the sentiments of the population. Hon. Senator Girard convoked a session of the national congress, held in St. Boniface on the 15th and 16th August, 1892. Delegates from all important points of the province were present. All were men belonging to the elite of our people, without distinction as to political parties or of anything that could be a subject of division. Speeches of great oratorical, social and Christian value were delivered. Resolutions full of dignity and force were adopted with that calm and solemn unanimity showing that great interests were at stake and the feelings of those who treated them. At a distance some



may despise this little people, suffering for their faith and nationality; as to myself, I followed these movements with affectionate anxiety; I was proud of my flock and here I renew to them the expression of the most sincere approbation. It would be too long to relate in full what was said and done then; should the reader wish to be more fully informed he will find minutes of the proceedings in *Le Manitoba* and the *Manitoba Free Press*, published after those enthusiastic meetings.

Under paragraphs 2 and 3 of clause 22 of the Manitoba Act, as well as by paragraph 3 of clause 93 of the British North America Act, 1867, the minority had the right of appeal to the governor-general-in-council, and this right was used. The executive council of the national congress assembled and framed a memorandum that was addressed to his excellency, and in which it respectfully reminded the governor-general that in petitions, already received at Ottawa, the minority had appealed to his council against certain provincial legislation, and that the hon. minister of justice had said in a report, dated 21st March, 1891, that if the legal controversy then pending before the tribunals should result in a decision contrary to the views of Catholics, the time would come for his excellency to examine the petitions presented in the name of these same Catholics. The petitioners added:

"That a recent decision of the judicial committee of the Privy Council of England having sustained the judgment of the court of Queen's bench of Manitoba, upholding the validity of the acts aforesaid, most respectfully represent that, as intimated in said report of the hon. the minister of justice, the time has now come to consider the petitions which have been presented by and on behalf of the Roman Catholics of Manitoba for redress, under sub-sections 2 and 3 of section 22 of the Manitoba Act.

"And your petitioners will ever pray."

Saint Boniface, 20th September, 1892.

Members of the executive committee of the national congress.

T. A. Bernier, Acting President,

A. A. C. La Riviere,

Joseph Leconte,

James E. P. Prendergast,

J. Ernest Cyr,

Theo. Bertrand,

H. F. Despars,

M. A. Keroack,

Telesphore Pelletier,

Dr. J. H. O. Lambert,

Joseph Z. C. Anger,

A. F. Martin.

Secretaries { A. E. Versailles,  
R. Goulet, Jr.

On the 22nd September, the Archbishop of St. Boniface reminded the Ottawa government of the petitions sent and the promises of Sir John Thompson as contained in his report of the 21st March, 1891, in which we read:

"If the controversy should result in the decision of the court of Queen's bench (adverse to Catholic views) being sustained, the time will come for your excellency to consider the petitions which have been presented by and on behalf of the Roman Catholics of Manitoba for

redress under sub-sections 2 and 3 of section 22 of Manitoba act, and which are analogous to the provisions made by the British North American act in relation to the other provinces."

Those sub-sections contain in effect the provisions which have been made as to all the provinces and are obviously those under which the constitution intended that the government of the Dominion should proceed if it should at any time become necessary that the Federal powers should be resorted to for the protection of a Protestant or Roman Catholic minority against any act or decision of the legislature of the province, or of any provincial authority, affecting any 'right or privilege' of any such minority in relation to education."

The petitioners prayed:

"1. That the governor-general-in-council may entertain the appeal of the Roman Catholics of Manitoba, and may consider the same and may make such provisions and give such directions for the hearing and consideration of the said appeal as may be thought proper.

2. That such directions may be given and provisions made for the relief of the Roman Catholics of the Province of Manitoba as to your excellency in council may seem fit."

On the 21st October, 1892, John S. Ewart, Esq., Q. C., wrote as follows to the honorable the secretary of state:

"I have the honor to enclose another petition on behalf of the Catholic minority of Manitoba, with reference to the position in which they find themselves in reference to education in this province. I do not desire that this petition should be substituted for the others already presented, but that it should rather be taken as supplementary to those others. May I ask that the matter be brought before his excellency the governor-general-in-council at the earliest possible date."

This new petition was signed by the archbishop, T. A. Bernier, president of the national congress; J. E. Prendergast, mayor of the town of St. Boniface; J. Alard, O. M. I., V. G., and one hundred and thirty seven others. It was countersigned by J. S. Ewart, lawyer for the Roman Catholic minority of the province of Manitoba. The requests two, three and four of that petition were more explicit than in the preceding ones, and read as follows:

"2. That it may be declared that the said acts (63 Vic., chaps. 37 and 38) do prejudicially affect the rights and privileges with regard to denominational schools which Roman Catholics had by law or practice in the province at the union.

3. That it may be declared that the said last mentioned acts do affect the rights and privileges of the Roman Catholic minority of the Queen's subjects in relation to education.

4. That it may be declared that to your excellency the governor-general-in-council, it seems requisite that the provisions of the statutes in force in the province of Manitoba prior to the passage of the said acts, should be re-enacted in so far at least as may be necessary to secure to Roman Catholics in the said province the right to build, maintain, equip, manage, conduct and support these schools in the manner provided for by the said statutes, to secure to them their proportionate share of any grant made out of the public funds for the purposes of education, and to relieve such members of the Roman Catholic church who con-

tribute to such Roman Catholic schools from all payment or contribution to the support of any other schools; or that the said acts of 1890 should be modified or amended as to effect such purposes."

Another voice spoke in favor of the minority of Manitoba; that voice came from Montreal, it was that of the "Conservative league" coming on the 3rd November, 1892, "to affirm its principles, and defend the privileges and immunities of the minority in Manitoba." We also read in that document:

"No one can honestly deny the treaty passed in 1870 between the government of Canada and the population of Manitoba and by which it was formally decided and agreed that denominational schools should be safeguarded. No one can now deny that the school laws of Manitoba of 1871, passed and adopted by men who had been parties to the treaty of the preceding year, have not maintained separate schools both for Catholics and Protestants."

"For these reasons, the 'Conservative league' protests against the school laws now in vigor in Manitoba, and they hope that our political men will try to remedy such condition of things without weakness or capitulation."

Besides those solicitations in favor of the minority of Manitoba, many friends of the cause defended it by writings remarkable as constitutional and legal studies, and which were published in the newspapers of the different provinces. It is impossible for me to mention them all, but to their authors I can offer the expression of our gratitude and say that their attitude, in compensating us for the warfare made against us by the hostile press, was also a counterpart to the incredible apathy of other organs of publicity, whose readers are as much interested as ourselves in combatting with us. How blind are those who do not see the trap in which some wish to catch us, the abyss in which they desire to bury our faith and our most legitimate aspirations.

Among those who have consoled us the most in present difficulties I am happy to mention the Hon. William McDougall. More than other he might have been tempted to say: But why should I care about the minority of Manitoba and about defending it after all I suffered in that country?

No! Hon. Mr. McDougall overlooked such considerations not uncommon among ordinary men; he openly and often times spoke in favor of that minority and said:

"The French speaking Catholic inhabitants had by law, viz. 33rd Vic., Chap. 3, called the Manitoba act a constitutional guarantee against any prejudicial legislation effecting any right or privilege with respect to denominational schools which any class of persons had by law or practice at the union. Moreover, the denominational schools in Manitoba are protected by provisions for appeal to the governor-general-in-council and remedial laws to be passed by parliament if necessary."

Hon. Mr. McDougall is neither French nor Catholic; moreover, I repeat it with regret, he had to suffer during the troubles of 1869-70; he has generously forgotten those circumstances, and frankly spoke

the language of justice and truth. Mr. McDougall was member of parliament at Ottawa when the Manitoba act was introduced, discussed and voted. Perhaps more than any one else he had personal reasons to study the constitutional character of the new province. He heard the promoters of the bill give the most ample and clear explanation; he himself fought against the bill and had every chance to understand its weight and signification. His legal knowledge, his experience in constitutional matters and the courage of his convictions inspired him with the attitude he took; an attitude for which we thank him so much the more willingly, as it strengthens the convictions of the minority and persuade it more and more that every man knowing the origin and object of the Manitoba act thinks what I have oftentimes said in the course of this work.

The demands addressed to the executive council determined them to take into consideration the appeal that was made. Hon. Sir John S. D. Thompson, Mr. Bowell, J. A. Chapeau, T. W. Daly were named to form a sub-committee to proceed to the preliminary examination of the question.

The petitioners' lawyer pleaded before them the right to be heard on the appeal. The sub-committee reported on the 29th December, 1892, and after numerous explanations, restrictions, delays, etc., etc., it recommended that a day should be fixed, on which the petitioners or their lawyer could be heard on the appeal.

The report having been approved of by the governor-general, the latter issued an ordinance fixing the 21st January, 1893, as the day on which the parties could be heard, in the hall of the privy council at Ottawa on the appeal demanded. The ordinance also stated that a copy of the ordinance should be sent to the lieutenant-governor of Manitoba. On the 4th January Mr. Catellier, assistant secretary of state, sent those papers to His Honor Governor Schultz, who three days later informed Ottawa that he had received the documents and passed them over to his ministers. On the 18th of the same month the lieutenant governor wrote to Ottawa that his government had, that same day advised as follows: "Your honor's government has decided that they do not think it necessary to be represented for the hearing of the appeal which is to take place on the 21st instant, before they privy council" and the government of Manitoba was not represented while Mr. Ewart was heard in the interests of the petitioners.

After these preliminaries and others (which I spare the reader) a decision of the council dated 31st July, 1893, stating that "a case touching certain statutes of the province of Manitoba relating to education, and the memorials of certain petitioners complaining thereof was referred to the supreme court of Canada for

hearing and consideration to be heard on the third day October next, or so soon thereafter as may be." On the recommendation of the minister of justice, and in conformity with the act 54-55 Victoria, chapter 25, the committee of the hon. council recommended on the 15th August, 1893, that the attorney-general of the province of Manitoba be informed of that decision of the council, and that a similar notice be sent to Mr. John S. Ewart, Q. C., in Winnipeg, lawyer for the petitioners.

On the 19th a certified copy was sent to the Governor of Manitoba by Hon. W. B. Ives, president of the council, and on the same day two certified copies were sent by Mr. John J. McGee, clerk of the council, one to the attorney-general of Manitoba, and the other to Mr. Ewart.

On the 3rd October the case was introduced before the supreme court of Canada. The incidents therewith connected so far are of too recent date and too well known to be necessary to mention them. I will merely state the reflection they naturally suggest.

#### ONCE MORE BEFORE THE TRIBUNALS.

The cause of the Catholics of Manitoba had passed through a maze of judiciary proceedings to arrive at a very extraordinary and regrettable result. This time the same cause is driven through a labyrinth of legal interpretations that will bring it no one knows where. It is so much the more difficult to foresee the result that two points of the Manitoba law will be submitted to the interpretation of the two tribunals, which have already pronounced so differently on another point of the same law. Moreover, this uncertainty as to the decision of the judges is increased by the uncertainty of what the government will do after having received the opinion of the tribunals.

Hon. Mr. Blake, in supporting his resolution, and Sir John A. Macdonald in accepting it, both declared that the expression of the opinion of the tribunals could not do away with the executive's responsibility, and that such opinion could be considered only as an advice. That our cause be again before the tribunals, we owe this inconvenience (or its advantage, if any result from it) to the resolution of 1890, or if one likes better to say so, to the law enacted in 1891 in accordance with said resolutions. Very likely, some would say that the minority of Manitoba and its archbishop are the authors of this new delay, of this new uncertainty, and perhaps, alas, of a new mishap. The law, which is now applied to our case, has received the unanimous vote of the legislature of Ottawa. Should its provisions turn against us, we shall be the victims; but the members of parliament must have the responsibility of what we may have to suffer.

Here is the text of the law 54 and 55 Vic., chap 25, which regards the actual proceedings:

"Important questions of law or fact touching provincial legislation, or the appellate jurisdiction as to educational matters, vested in the governor-in-council, by the British North American act, 1867, or any other act or law . . . . . may be referred by the governor-general-in-council to the supreme court for hearing or consideration; and the court shall thereupon hear and consider the same.

6. The opinion of the court upon any such reference, although advisory only, shall for all purposes of appeal to Her Majesty in council, be treated as a final judgment of the said court between the parties."

What is the meaning of this last paragraph? It means clearly that the opinion of the supreme court is only advisory. But if such an advice be sent across the Atlantic for reconsideration, it will be accepted, modified or rejected there. Will it then come back with its primitive character? Will the executive, after appealing to the highest tribunal of the Empire, retain its full liberty of action, its full official responsibility, or will it be deprived of the one and relieved of the other? On this the law is not explicit and our legislators have voted it notwithstanding its obscurity. There is experience enough to show the necessity of unquestionable clearness in the formation of statutes, in order to easily discover the mind of the legislators. It is evident that an interpretation against the intention of the legislators, especially from the highest tribunal of the Empire, may be the crushing of the rights which the law intended to protect.

What will be the ultimate result of what is now going on? Are such delays imposed upon us merely to weaken our position in preparing the ultimate ruin; or are we surrounded by wise and benevolent combinations resorting to the best and most efficacious means of protection? I am entirely ignorant. I know but one thing, that here, in Manitoba, we have nothing to do with such delays. On the contrary we suffer by them both morally and pecuniarily. We seek a remedy which is simply our right and obligation.

I resume this fifth phase of the history of our schools:

1. The constitution offers four remedies to the injustice perpetrated against the Catholics of Manitoba regarding their schools, and the official use of the French language.

2. Those interested have tried the first means to remedy the evil, or at least to delay its action: they have prayed the lieutenant-governor to use the discretionary power intrusted to him by the constitution, and to reserve said obnoxious laws for the signification of the good pleasure of the governor-general. In this they failed.

3. The minority has demanded that the laws complained of should be disallowed.

4. Hon. Edward Blake's resolution, unanimously voted by the Commons at Ottawa, and perhaps some political consideration, raised as an obstacle that the gov-



ernment thought insurmountable and disallowance was refused.

5. The government brought the cause of our schools before the courts. After two years of anxiety and embarrassment, the Catholics have received an unfavorable decision on the point submitted.

6. Having failed in the above mentioned means, the minority, unwilling to abandon their rights had recourse to a provision of the constitution, which gives a right of appeal to the governor-general in council.

7. By provision of the law 54-55 vic. chap. 25 (a consequence of Mr. Blake's resolution) unanimously voted by the feder-

al legislature, the government of Ottawa submits the case of our schools to the highest tribunals of the country to ask for an opinion on the matter.

8. Hon. Mr. Blake, while supporting his proposition, Sir John A. Macdonald, while accepting it, have affirmed positively that this new procedure, that this new mode of obtaining information will not restrain the liberty nor the responsibility of the executive. Naturally the parliament in voting the law, which is the consequence of the resolution, must have had in view the same object.

† ALEX., Arch. of St. Boniface, O.M.I. St. Boniface, 22nd November, 1893.



